MONTANA LEGISLATIVE HISTORY

Chapter 475 ~~19~~ 2003

Bill H 190 S _____ Original bill & history ✓ C

H. Committee on STATE ADMIN			S. Committee on STATE ADMIN		
Hearing Date(s)	1/29	X C	Hearing Date(s)	3/12	X C
	2/3	X C		3/17	X C
	2/14	X C	EXEC. ACTION	3/19	C
EXEC ACTION	2/17	X C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

A Senate Free Conference Committee held a hearing on 4/16 - we have no minutes for this meeting.

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

2/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/22	2ND READING PASSED	61	38
2/24	3RD READING PASSED	62	37
	TRANSMITTED TO SENATE		
2/26	REFERRED TO HIGHWAYS AND TRANSPORTATION		
3/25	HEARING		
3/27	INDEFINITELY POSTPONED IN COMMITTEE		
	DIED IN STANDING COMMITTEE		

HB 190 INTRODUCED BY C. YOUNKIN *LC0327 DRAFTER: HEFFELFINGER*

REVISE CERTAIN ELECTION LAWS

BY REQUEST OF SECRETARY OF STATE

12/27	INTRODUCED		
1/03	REFERRED TO STATE ADMINISTRATION		
1/29	HEARING		
2/17	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	10	9
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	53	47
2/21	3RD READING PASSED	56	40
	TRANSMITTED TO SENATE		
2/24	REFERRED TO STATE ADMINISTRATION		
3/12	HEARING		
3/20	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED AS AMENDED	3	2
3/20	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/22	2ND READING CONCURRED AS AMENDED	31	14
3/25	3RD READING CONCURRED	32	18
	RETURNED TO HOUSE WITH AMENDMENTS		
4/12	2ND READING SENATE AMENDMENTS CONCUR MOTION FAILED	9	90
4/12	CONFERENCE COMMITTEE APPOINTED		
4/12	CONFERENCE COMMITTEE APPOINTED		
4/14	CONFERENCE COMMITTEE DISSOLVED		
4/14	FREE CONFERENCE COMMITTEE APPOINTED		
4/15	CONFERENCE COMMITTEE DISSOLVED		
4/15	FREE CONFERENCE COMMITTEE APPOINTED		
4/16	HEARING		
4/16	FREE CONFERENCE COMMITTEE REPORT RECEIVED		
4/16	FREE CONFERENCE COMMITTEE REPORT RECEIVED		
4/17	2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	28	22
4/21	3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	29	20
4/23	2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	57	43
4/24	3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	55	45
4/24	SENT TO ENROLLING		
4/24	SIGNED BY SPEAKER		
4/24	TRANSMITTED TO GOVERNOR		
4/24	RETURNED FROM ENROLLING		
4/24	SIGNED BY PRESIDENT		
4/24	SIGNED BY SPEAKER		
4/24	SIGNED BY GOVERNOR		
4/24	CHAPTER NUMBER ASSIGNED		
	CHAPTER NUMBER 475		
	EFFECTIVE DATE: 1/01/2004 - ALL SECTIONS		

HB 191 INTRODUCED BY DEVLIN *LC0935 DRAFTER: FOX*

MAKE MENTAL HEALTH OMBUDSMAN A DISCRETIONARY POSITION

BY REQUEST OF OFFICE OF BUDGET AND PROGRAM PLANNING

11/22	FISCAL NOTE NEEDED
12/26	INTRODUCED
1/03	REFERRED TO HUMAN SERVICES
1/10	HEARING
2/10	TABLED IN COMMITTEE
2/28	MISSED DEADLINE FOR GENERAL BILL TRANSMITTAL

HB 192 INTRODUCED BY WANZENRIED *LC0844 DRAFTER: EVERTS*

EXTEND UNIVERSAL SYSTEM BENEFITS

12/26 INTRODUCED

HOUSE BILL NO. 190

INTRODUCED BY C. YOUNKIN

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; CLARIFYING THE TIMES FOR HOLDING SPECIAL ELECTIONS; REQUIRING THAT A DECLARATION OF INTENT FILED BY A WRITE-IN CANDIDATE IS NOT VALID UNTIL THE FILING FEE IS PAID; REQUIRING THAT AN APPLICATION FOR AN ABSENTEE BALLOT INCLUDE THE ELECTOR'S BIRTH DATE; CLARIFYING THAT ABSENTEE BALLOT APPLICATIONS MUST BE MADE DIRECTLY TO THE ELECTION ADMINISTRATOR; PROVIDING THAT VOTING INSTRUCTIONS BE ENCLOSED WITH ABSENTEE BALLOT MAILINGS IRRESPECTIVE OF WHETHER THE ELECTOR IS OUT OF THE STATE; PROVIDING THAT STATE EMPLOYEE TIME MAY BE SPENT ON THE YOUTH VOTING PROGRAM; PROVIDING THAT THE VOTER INFORMATION PAMPHLET MAY BE ADDRESSED TO THE CURRENT RESIDENT AT AN ADDRESS; REVISING THE TIME BY WHICH THE VOTER INFORMATION PAMPHLET MUST BE MAILED; AND AMENDING SECTIONS 13-1-104, 13-10-211, 13-13-212, 13-13-213, 13-13-214,13-15-111, 13-22-107, AND 13-27-410, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-104, MCA, is amended to read:

"13-1-104. Times for holding general elections. (1) (a) ~~A~~ Except as provided in subsection (1) (b), a general election must be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election~~, unless an earlier date is provided in a law authorizing a special election on an initiative or referendum pursuant to Article III, section 6,~~ and to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(b) A special election may be held on an earlier date provided in a law authorizing a special statewide election on an initiative or referendum pursuant to Article III, section 6, of the Montana constitution.

(2) A general election must be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision, other than a municipality, required to hold elections annually ~~shall~~ must be held on school election day, the first Tuesday after the first Monday of May of each year, and is subject to the election procedures provided for in 13-1-401.

(4) The general election for a municipality required to hold elections annually may be held either on school election day, as provided in subsection (3), or on the first Tuesday after the first Monday in November, at the discretion of the governing body."

Section 2. Section 13-10-211, MCA, is amended to read:

"13-10-211. Declaration of intent for write-in candidates. (1) Except as provided in subsection (5), a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. The declaration of intent must be filed with the secretary of state or election administrator, depending on where a declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district clerk for a school district office. Except as provided in subsections (2) and (3), the declaration must be filed no later than 5 p.m. on the 15th day before the election and must contain:

(a) (i) the candidate's first and last names;

(ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the candidate's last name;

(iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and

(iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;

(b) the candidate's mailing address;

(c) a statement declaring the candidate's intention to be a write-in candidate;

(d) the title of the office sought;

(e) the date of the election;

(f) the date of the declaration; and

(g) the candidate's signature.

(2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office that the write-in candidate is seeking:

(a) dies;

(b) withdraws from the election; or

(c) is charged with a felony offense.

(3) A person seeking to become a write-in candidate for a trustee position on a school board shall file a declaration of intent no later than 5 p.m. on the 26th day before the election.

(4) The secretary of state shall notify each election administrator of the names of write-in candidates who have filed a declaration of intent with the secretary of state. Each election administrator and school district clerk shall notify the election judges in the county or district of the names of write-in candidates who have filed a declaration of intent.

(5) The requirements in subsection (1) do not apply to a write-in candidate seeking election to an office for which a candidate has not filed a declaration or petition for nomination or a declaration of intent.

(6) A declaration of intent may be sent by facsimile transmission, if a facsimile facility is available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the election administrator or to the secretary of state. However, the declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the secretary of state or election administrator."

Section 3. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot -- special provisions. (1) An elector may apply for an absentee ballot by making a written request, which must include the applicant's birth date and must be signed by the applicant~~.~~. The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

(2) An elector in the United States service absent from the state and county in which the elector is registered may apply for an absentee ballot as follows:

(a) as provided in subsection (1);

(b) by using the federal postcard application signed by the applicant and made within the time period specified in 13-13-211; or

(c) if eligible, by using the federal write-in ballot as provided in 13-13-271(3).

(3) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the special absentee election board provided for in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under this subsection (3) must be received by the election administrator by noon on election day.

(4) An elector who has made a request for an absentee ballot by one of the methods provided in this section may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election administrator."

Section 4. Section 13-13-213, MCA, is amended to read:

"13-13-213. Transmission of application to election administrator -- delivery of ballot. (1) Except as provided in subsection (2), the elector shall ~~forward the application by~~ mail the application directly to the election administrator or deliver ~~it~~ the application in person to the election administrator. The election administrator shall compare the signature on the application with the applicant's signature on the registration card. If convinced the individual making the application is the same as the one whose name appears on the registration card, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214.

(2) In lieu of the requirement provided in subsection (1), an elector who requests an absentee ballot pursuant to 13-13-212(3) may return the application to the special absentee election board. Upon receipt of the application, the special absentee election board shall examine the signatures on the application and a copy of the voting registration card to be provided by the election administrator. If the special absentee election board believes that the applicant is the same person as the one whose name appears on the registration card, the special absentee election board shall provide a ballot to the elector."

Section 5. Section 13-13-214, MCA, is amended to read:

"13-13-214. Mailing ballot to elector. (1) (a) Except as provided in 13-13-213 and in subsection (1)(b)

of this section, as soon as the official ballots are printed, the election administrator shall send by mail, postage prepaid, to each elector from whom the election administrator has received a valid application whatever official ballots are necessary. Ballots must be sent immediately to electors submitting valid requests after the official ballots are printed.

(b) The election administrator may deliver a ballot in person to an individual other than the elector if:

(i) the elector has designated the individual, either by a signed letter or by making the designation on the application form in a manner prescribed by the secretary of state;

(ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the ballot;

(iii) the election administrator believes that the individual receiving the ballot is the designated person; and

(iv) the designated person has not previously picked up ballots for four other electors.

(2) The election administrator shall enclose with the ballots:

(a) a secrecy envelope, free of any marks that would identify the voter; and

(b) a self-addressed envelope for the return of the ballots. An affirmation in the form prescribed by the secretary of state must be printed on the back of the envelope.

(3) The election administrator shall stamp the ballots provided to an absentee elector, as provided in 13-13-116, and remove the stubs from the ballots, attaching the stubs to the elector's absentee ballot application.

(4) Both the envelope in which the ballot is mailed to an elector in the United States service and the return envelope must have printed across the face the information and graphics and be of the color prescribed by the secretary of state consistent with the regulations established by the federal election commission, the U.S. postal service, or other federal agency.

(5) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way so that it can be identified as being used by any one elector.

(6) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must include use of the envelope for unvoted ballots. The instructions must include information concerning the type or types of writing instruments that may be used to mark the absentee ballot. The instructions must include information regarding use of the secrecy envelope and use of the return and verification envelope. The election administrator shall include a voter information pamphlet with the instructions if:

(a) a statewide ballot issue appears on the ballot mailed to the elector; and

(b) ~~the elector is out of the state or will be out of the state at the time of the election; and~~

~~(c)~~ the elector requests a voter information pamphlet.

(7) The return envelope must be self-addressed to the election administrator."

Section 6. Section 13-15-111, MCA, is amended to read:

"13-15-111. Write-in elections -- general election. (1) An individual elected by having ~~his~~ the individual's name written in at the general election and receiving the largest number of votes shall:

(a) file with the secretary of state or election administrator, not later than 10 days after the official canvass, a written declaration indicating ~~his~~ the individual's acceptance of the position for which ~~he was~~ elected;

(b) comply with the provisions of 13-37-225; and

(c) pay the required filing fee or, if indigent, comply with 13-10-203.

(2) If an individual fails to ~~file the declaration as required under~~ comply with the requirements in subsection (1)~~(a)~~, ~~he~~ the individual may not assume the position for which ~~he was~~ elected."

Section 7. Section 13-22-107, MCA, is amended to read:

"13-22-107. Funding. (1) Public money, except for state employee compensation, may not be used to support or fund the youth voting program established in this chapter.

(2) A nonprofit corporation may be formed subject to the provisions of Title 35, chapter 2, to solicit donations from private sources. Money solicited under this subsection must be used only for the youth voting program."

Section 8. Section 13-27-410, MCA, is amended to read:

"13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 110 days before the election at which they will be submitted. The requisition must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to each voter in each county, except that two or more voters with the same mailing address and the same last name may

be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 45 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county who is on the active voter list, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing label may include an address line that addresses the voter or the "current resident". The mailing must take place no later than ~~2~~ 3 weeks before the election.

(5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues."

- END -

HB 190 SPONSOR: Younkin, Cindy SHORT TITLE: Revise certain election laws
BY REQUEST OF: Secretary Of State
REFERRED ON: 01/03/2003 HEARD ON: 01/29/2003
EXECUTIVE ACTION: 02/17/2003 -Bill Passed as Amended -- VOTE: 10 - 9
FINAL DISPOSITION: 03/25/2003 (S) Returned to House with Amendments

HB 194 SPONSOR: Barrett, Debby SHORT TITLE: Reorganize business services bureau of secretary of state's office
BY REQUEST OF: Secretary Of State
REFERRED ON: 01/08/2003 HEARD ON: 02/07/2003
EXECUTIVE ACTION: 02/07/2003 -Bill Passed as Amended -- VOTE: 19 - 0
FINAL DISPOSITION: 03/19/2003 Chapter Number Assigned

HB 198 SPONSOR: Lambert, Carol SHORT TITLE: Clarify requirements for ballot language
REFERRED ON: 01/03/2003 HEARD ON: 01/15/2003
EXECUTIVE ACTION: 01/31/2003 -Bill Passed -- VOTE: 19 - 0
FINAL DISPOSITION: 03/26/2003 Chapter Number Assigned

HB 201 SPONSOR: Jent, Larry SHORT TITLE: Montana absent uniformed services and overseas elector voting act
BY REQUEST OF: Secretary Of State
REFERRED ON: 01/03/2003 HEARD ON: 01/29/2003
EXECUTIVE ACTION: 02/04/2003 -Bill Passed as Amended -- VOTE: 19 - 0
FINAL DISPOSITION: 04/08/2003 (H) Free Conference Committee Appointed

HB 203 SPONSOR: Olson, Alan SHORT TITLE: Revise and clarify initiative process
BY REQUEST OF: Secretary Of State
REFERRED ON: 01/03/2003 HEARD ON: 01/21/2003
EXECUTIVE ACTION: 02/03/2003 -Bill Passed as Amended -- VOTE: 19 - 0
FINAL DISPOSITION: 04/08/2003 (H) 2nd Reading Senate Amendments Concurred; Vote: 84 - 12

HB 206 SPONSOR: Younkin, Cindy SHORT TITLE: Change driver license fee -- distribution
BY REQUEST OF: Department Of Justice
REFERRED ON: 01/03/2003 HEARD ON: 01/28/2003
EXECUTIVE ACTION: 02/04/2003 -Bill Passed as Amended -- VOTE: 18 - 1
FINAL DISPOSITION: 03/06/2003 (S) Hearing; in (S) Finance and Claims

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on January 29, 2003 at 8 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Dee Brown, Vice Chairman (R)
Rep. Larry Jent, Vice Chairman (D)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Don Roberts (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Pat Wagman (R)
Rep. Jonathan Windy Boy (D)
Rep. Cindy Younkin (R)

Members Excused: Rep. Sue Dickenson (D)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Time counters follow testimony.

Committee Business Summary:

Hearing & Date Posted:	HB190, 1/21/2003; HB 201, 1/21/2003
Executive Action:	HB 133 DO PASS; HB 138 TABLED
	HB 251 DO PASS

HEARING ON HB 190

Sponsor: **REP. CINDY YOUNKIN, HD 28, Bozeman**

Opening Statement by Sponsor:

REP. YOUNKIN said this is a comprehensive bill, implementing a lot of voting changes. Significant changes were made by the federal Help America Vote Act (HAVA) of 2001, and HB 190 needs amendments to coordinate. For absentee voting, voters must furnish a birth date which will stay confidential, and now the Voter Information Pamphlet (VIP) must go out three weeks before the election. Another change would provide one cannot run for two offices at once. She provided a fact sheet summarizing proposed amendments.

EXHIBIT(sth19a01)
{Tape: 1; Side: A; Approx. Time Counter: 0 - 9.6}

Proponents' Testimony:

Janice Doggett, Chief Legal Counsel, Secretary of State, explained the federal mandates on the states regarding provisional voting, notices at polls, and registration. After HB 190 was drafted, election administrators asked for two amendments limiting canvassing preceding elections from three to within seven days, and sending absentee ballots out 30 days preceding elections. Her overview told what this bill takes out of the old law to mesh with federal law. Montana gets $5-8 million to update equipment and replace punch cards; three million is for Digital Recording Devices (DREs) which are computer touch screens designed for visually impaired or disabled. HAVA requires one per polling place, that's 850 at $3,000 each, she testified. The bill decreases possible fraud, and increases reasonable requirements for voter identification. They are looking to amend HB 190. Provisional voting would allow walk-ins not on the list, challenged votes will be given more consideration and confidentiality, and a data-sharing base is needed for registration. First-time voters will have to show identification. Military voting requirements mesh with HB 201. An amendment was distributed for HB 201 to be heard next.

EXHIBIT(sth19a02)

Robert Throssel, Montana Association of Clerks & Recorders, said Montana cannot run dual election systems. The federal laws must be blended into our laws. They need more standard procedure. He supports the bill. By taking absentee votes directly to an elections administrator, it will eliminate fraudulent collecting

of absentees. But counties cannot mail the VIP pamphlets until they have the registered voter address list.

Tom Figarelle, Forward Montana, testified in favor for his group, which furthers economic development and educational opportunities for the young. Montana had the lowest turnout for 18-24 year old, in a study he cited.
{Tape: 1; Side: A; Approx. Time Counter: 9.6 - 34.3}

Opponents' Testimony:

Brad Martin, Executive Director, Montana Democratic Party, said he objects to two sections of the bill. The bill reduces by 1/3 the time to access the absentee ballot. Also, an absentee ballot must go directly to the election administrator. Both are obstacles to address a fraud problem which he said he does not see, and which discourages voting.
{Tape: 1; Side: A; Approx. Time Counter: 34.3 - 40.5}

Informational Testimony: None.

Questions from Committee Members and Responses:

REP. ROBERTS told Mr. Martin he has concerns with early voting, 45 days before. Voters may not have information on issues. The 30-day rule limits early participation. **Mr. Martin** said it should increase choices for participation. It is their decision. **REP. ROBERTS** said news articles are more prevalent closer to elections. **Mr. Martin** said the quality of the debate may not improve. Absentee voters know for whom to vote because they are concerned citizens. The issue of access is not a partisan issue. Voters don't want fewer days, some want more.

REP. BROWN asked Ms. Doggett to address **Mr. Martin's** concerns. **Ms. Doggett** said we can now request an absentee ballot 75 days before the election but can only get the ballot 30 days before, along with the VIP.

REP. WINDY BOY asked the sponsor if the rule against running for two positions simultaneously would affect him. Sponsor said it would not; tribal government is sovereign.

REP. DICKENSON asked Ms. Doggett what the original intention was regarding absentee ballot laws. **Ms. Doggett** said the onus was on the voter to show a need for absentee, and now they do not need to demonstrate need. **REP. DICKENSON** asked if they must now hand deliver ballot requests. **Ms. Doggett** said mailing it is okay. She said that the clause was there because people were signing at

county fairs through political parties, who were a third party. Someone else can't hand deliver it but mail is okay. **REP. BECKER** asked her about signing voter ID cards. **Ms. Doggett** said registering by mail is not the same as requesting absentee ballots. **REP. BECKER** asked when the VIPs are written and the answer was that different issues were written up at different time once an issue qualifies for the ballot. The latest date it must be written is about late July, as printing starts in August, versus 45 days before election day is about mid-September.

REP. BALLANTYNE asked **Ms. Doggett** if the US Constitution left the election process to the states. **Ms. Doggett** said there was a debate in Congress about state control but there are still unanswered questions in HAVA about the equal protection issue. **CHAIRMAN BARRETT** asked her, if someone voted and then the candidate died or resigned, would voters get to re-vote. She replied that no one got a second ballot. In some cases ballots had to be reprinted, as provided in the law. Candidates cannot withdraw 85 days before. Walk-ins may vote and they keep the vote separated and secret until they see if the voter was registered.
{Tape: 1; Side: A; Approx. Time Counter: 40.5 - 57.7}

Closing by Sponsor:

REP. YOUNKIN said there are sensitive issues but the bill is not intended to limit anyone's ability to vote. It reduces time in which absentee ballots may be mailed, but lots of information comes out in the two weeks before elections. It eliminates the third parties, since it is inappropriate for a Party to collect requests for absentee ballots. Last election, the Motor Voter act caused Clerks and Recorders to have to let people vote provisionally. This bill clarifies the law for them. REP. YOUNKIN is looking into getting this bill amended.
{Tape: 1; Side: A; Approx. Time Counter: 57.7 - 66}

HEARING ON HB 201

Sponsor: REP. JENT, HD 29, Bozeman

Opening Statement by Sponsor:
REP. JENT said HB 201 concerns voting rights of overseas and military absentee voters. He provided Amendment 1 prepared by Ms. Heffelfinger to conform HB 201 to another bill, and which strikes out unintended language. This bill incorporates HAVA and federal requirements, provides accountability, and simplifies MCA.

DATE 1-29
HB 190

HB 190
Proposed Amendments

1. **Comply with the Help America Vote Act (HAVA)**

   A. Statewide Voter Data Base

      (1) Info. provided by local election administrators
      (2) Statewide system maintained by Sec. of State
      (3) Interface with Motor Vehicle data base and Social Security Data base
      (4) Confidentiality safeguards required
      (5) Official list of registered voters for all elections

   B. Voter Identification Requirements to Vote

      (1) When registering, voter must provide Driver's License Number or, if not DL, last 4 of Social Security Number, or, if no SS, voter will be assigned a unique voter ID number by Sec. of State

      (2) When voting, the voter must:

      Scenario 1= Minimum required by HAVA ***(HB019001.ash)***:
      If voter did not provide DL or last 4 of SS voter must show (either mailed in or at polls):

         (a) valid photo ID; or

         (b) utility bill, bank statement, government check, paycheck , or other government document with the voter's name and address.

      Scenario 2 = Preferred by Secretary of State ***(HB019002.ash)***:
      Every voter must show at polls and when mailing in:

         (a) valid photo ID, or

         (b) utility bill, bank statement, government check, paycheck , or other government document with the voter's name and address.

      (3) Blanket exception for voters whose registration for federal elections is through federal programs (i.e., under NVRA, Uniformed and Overseas Elector Act, etc.)

   C. Provisional Voting

      (1) Voter who does not provide ID required under B, must be allowed to vote provisionally.

      (2) Voter casts a provisional ballot (same ballot with special mark prescribed by Sec. of State to comply with HAVA requirements).

Hefflefinger

(3) Voter receives instructions about how to verify his/her ID in order for ballot to be counted and to track whether or not the ballot is counted.

(4) Voter provides ID info. to election administrator after the election (provides info. as required under B by 5 p.m. next day).

(5) Election administrator verifies ID, ensures provisional ballot is counted, certifies that to the voter.

(6) If voter fails to provide valid ID info., provisional ballot not counted, election administrator explains reason to voter.

(7) Repeal of challenges to the eligibility of a voter for ID questions.

D. Effective date (just for these sections) to be January 1, 2004.

2. Provide that a candidate may not file for more than one office

3. Provide that display of voter instructions includes:

A. How to vote provisionally (HAVA)
B. Election date and hours polls are open
C. Instructions for first-time voters who registered by mail

4. Provide that absentee ballots must be available at least 30 days before an election (not at least 45 days before an election)

5. Extend time for canvassing board to meet from "within 3 days" to "within 7 days"

EXHIBIT 3
DATE 1-24-03
HB 201

Pass 84

Help America Vote Act of 2002

The Money

- President George W. Bush signed the Help America Vote Act of 2002 (HAVA) into law in October 29, 2002
- Meeting the requirements of the Act is mandatory, regardless of the availability of federal funding
- Money is available in HJR 2 – passed the U.S. Senate 69-29, and has been returned to the U.S. House for further debate

To Do List

- **HB 190:**
  - **Provisional voting and voting information requirements**
    - HAVA requires that state laws allow provisional voting
    - Allows voting by individuals whose registration is in question, and lets the voters verify later whether their registration was confirmed
    - Deadline: January 1, 2004; no waiver permitted
  - **Notices at the polls**
    - How to cast a provisional ballot
    - Instructions for registration
    - Date of election and hours the polls are open

MONTANA

- **Registration Requirements**
  - Computerized statewide voter registration system
  - Montana's current system does not meet the requirements
  - Deadline: January 1, 2004
  - A voter registration applicant must provide a driver's license number or the last four digits of the applicant's social security number at the time of registration
  - A voter who lacks a driver's license and social security number will be issued a unique identifier by the state
- **Data Sharing**
  - Requires agreement with Motor Vehicles Division and Social Security Administration

- **ID Requirements**
  - HAVA requires that all individuals who register to vote must provide their driver's license number or the last four digits of the social security number. If an individual does not have either of these the person must be assigned a unique identifier. HAVA also sets up a complicated and hit-and-miss system for assigning numbers to current voters in the statewide voter database.
  - HAVA sets up a differential system for the types of identification that are required to be presented at the polls.
  - House Bill 190 requires all voters to present some form of identification at the time that they vote.

- **HB 201:**
  - **HAVA: Voting Rights of Overseas and Military Electors**
    - Single state office for military & overseas voters to obtain information
    - Election offices must report number of absentee ballots sent and returned
    - State shall provide absentee ballot for the election for which the ballot was requested and the next two regularly scheduled federal elections
    - Prohibition on refusal of voter registration and absentee ballot applications on grounds of early submission
    - Incorporates other federal laws
    - HB 201 creates Montana Absent Uniformed Services and Overseas Elector Voting Act

HOUSE OF REPRESENTATIVES
Roll Call
STATE ADMINISTRATION COMMITTEE

DATE 1-29-03

NAME	PRESENT	ABSENT	EXCUSED	
REP. DEBBIE BARRETT, CHAIRMAN	✓			
REP. DEE BROWN, VICE CHAIR MAJORITY	✓			
REP. LARRY JENT, VICE CHAIR MINORITY	✓			
REP. NORMAN BALLANTYNE	✓			
REP. ARLENE BECKER	✓			
REP. SUE DICKENSON	✓		✓	leaving early
REP. CAROL GIBSON	✓			
REP. DAN HURWITZ	✓			
REP. HAL JACOBSON	✓			
REP. LARRY LEHMAN	✓			
REP. RALPH LENHART	✓			
REP. ALAN OLSON	✓			
REP. BERNIE OLSON	✓			
REP. DON ROBERTS	✓			
REP. CLARICE SCHRUMPF	✓			
REP. FRANK SMITH	✓			
REP. PAT WAGMAN	✓			
REP. JONATHAN WINDY BOY	✓			
REP. CINDY YOUNKIN	✓			

/s/StateAdminRollCall.2003

Montana House of Representatives
Visitors Register

STATE ADMINISTRATION COMMITTEE **Date** 1-29-03

Bill No. HB 190 **Sponsor(s)** Younkin

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Vickie Zeier	Missoula Co	✓		✓
Duane Winslow	Yellowstone Co	✓		✓
Elaine Snively	DLS	✓		
Tom Figarelle	Forward MT	✓		
Janice Dossett		✓		
Robert Throssell	MT Assoc. Clerks/Recorders	✓		
Brad Martin	MT Democratic Party		✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on February 3, 2003 at 8 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Dee Brown, Vice Chairman (R)
Rep. Larry Jent, Vice Chairman (D)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Sue Dickenson (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Hal Jacobson (D)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Don Roberts (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Pat Wagman (R)
Rep. Cindy Younkin (R)

Members Excused: Rep. Larry Lehman (R)
Rep. Jonathan Windy Boy (D)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 375, SB 7, SB 136
Executive Action: HR 3 DO PASS; HB 178 DO PASS AS AMENDED; HB 203 DO PASS AS AMENDED; HB 252 DO PASS; HB 253 DO PASS; HB 353 DO PASS AS AMENDED; HB 375 TABLED; SB 7 BE CONCURRED IN AS AMENDED; SB 136 BE CONCURRED IN

Motion: **REP. ALAN OLSON** moved **SB 7 BE CONCURRED IN.**

Discussion:

REP. JENT asked about Line 19, i.e., if the bill did not encompass community college officials; they can simply add three words. **Ms. Heffelfinger** said they could do a conceptual amendment.

Motion: **REP. JENT** moved **SB 7 BE AMENDED.**

Discussion

REP. A. OLSON said this will benefit the system, and there were no opponents. **REP. WAGMAN** questioned how the fee works. Witness **Dulcy Hubbard, Program Supervisor, Commissioner of Political Practices Office,** was called to testify. She said this year she has suspended the fee for local elected officials. If this bill passes and they paid the fee, she will issue refunds. Question was called.

Vote: On a voice vote, **motion TO AMEND SB 7 carried 19-0, REP. WINDY BOY voting by proxy.**

Action was suspended on SB 7 at this point.

EXECUTIVE ACTION ON SB 136

SB 136 had been concurred in unanimously on February 3, 2003

Motion: **REP. JACOBSON** moved **SB 136 BE CONCURRED IN.**

Vote: On a voice vote, **motion carried 19-0, REP. WINDY BOY voting by proxy.**

EXECUTIVE ACTION ON HB 375

Motion: **REP. YOUNKIN** moved **HB 375 DO PASS.**

Motion/Vote: **REP. YOUNKIN** moved **HB 375 BE TABLED.** On a voice vote, motion **carried 19-0, REP. WINDY BOY voting by proxy.**

EXECUTIVE ACTION ON HB 190

HB 190 & 201 are still waiting for amendments.

HOUSE OF REPRESENTATIVES
Roll Call
STATE ADMINISTRATION COMMITTEE

DATE 2/3/03

NAME	PRESENT	ABSENT	EXCUSED
REP. DEBBIE BARRETT, CHAIRMAN	✓		
REP. DEE BROWN, VICE CHAIR MAJORITY	✓		
REP. LARRY JENT, VICE CHAIR MINORITY	✓		
REP. NORMAN BALLANTYNE	✓		
REP. ARLENE BECKER	✓		
REP. SUE DICKENSON	✓		
REP. CAROL GIBSON	✓		
REP. DAN HURWITZ	✓		
REP. HAL JACOBSON	✓		
REP. LARRY LEHMAN	✓		
REP. RALPH LENHART	✓		
REP. ALAN OLSON	✓		
REP. BERNIE OLSON	✓		
REP. DON ROBERTS	✓		
REP. CLARICE SCHRUMPF	✓		
REP. FRANK SMITH	✓		
REP. PAT WAGMAN	✓		
REP. JONATHAN WINDY BOY	✓		
REP. CINDY YOUNKIN	✓		

9:10

/s/StateAdminRollCall.2003

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on February 14, 2003 at 8 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Dee Brown, Vice Chairman (R)
Rep. Larry Jent, Vice Chairman (D)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Sue Dickenson (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Don Roberts (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Pat Wagman (R)
Rep. Jonathan Windy Boy (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 515, 2/11/2003; HB 518 2/11/2003
Executive Action: HB 365 RE-TABLED; HB 190 NO ACTION

REP. BALLANTYNE liked the new amendment. **REP. HURWITZ** asked REP. YOUNKIN if it might be disingenuous to make an endoresement and to not indicate your office, if everyone knows you're a representative, for example. She said it was. **REP. JENT** did not like the part about restricting the first amendment right of free speech, and agreed that example would be disingenuous. He liked the part about not using the uniform, but said representatives should use their position to influence others.

REP. BROWN asked if the amendment would prevent Senator Baucus having his picture taken in front of the White House endorsing REP. JACOBSON. **REP. DICKENSON** said it would, but that it would be okay in front of a school; but they could not use their stationery to make endorsements.

Motion/Vote: REP. BROWN moved HB 365 BE TABLED again. On a voice vote, motion **carried 12-7. Voting no were REPS. SMITH, BALLANTYNE, WINDY BOY, DICKENSON, LENHART, JACOBSON and GIBSON.** ***{Tape: 1; Side: A; Approx. Time Counter: 27.6 - 45.5}***

EXECUTIVE ACTION ON HB 190

Motion: REP. YOUNKIN moved HB 190 DO PASS.

Discussion: **CHAIRMAN BARRETT** said they have extensive changes and a large amendment. It was distributed. **REP. BROWN** said the intent was good but most Montanans do not want to have to produce identification when they go to vote.
EXHIBIT(sth33a04)

Motion: REP. YOUNKIN moved HB 190 AMENDMENTS.
{Tape: 1; Side: A; Approx. Time Counter: 45.5 - 59}

Discussion:

REP. YOUNKIN suggested they go through the 29-page amendment. **REP. GIBSON** wanted to strike one part. **CHAIRMAN BARRETT** said to listen to all of the amendments, then speak to the individual ones to segregate.

Ms. Heffelfinger explained the amendment. Starting on Page 7, it strikes out all language of the old bill and substitutes this amendment. Changes were so extensive, she re-wrote the original to incorporate the changes and clean up the language while they are amending it.
{Tape: 1; Side: A; Approx. Time Counter: 49 - 59}
{Tape: 1; Side: B; Approx. Time Counter: 0 - 26.6}

Informational Witness June Hermanson, Montanans with Disabilities for Equal Access, testified and provided written testimony. **EXHIBIT(sth33a05)**

Discussion and Questions from Committee:

REP. LEHMAN said provisional ballots need to be proved by 5 PM following the election day; he asked if the Elections Administrators are even open 24 hours a day. **Ms. Heffelfinger** deferred to **Elaine Gravely, Deputy Elections Administrator**, who assured them that someone would be there to receive the information. He asked about poor people with no electricity, what they could substitute for a power bill or pay stub; with no car they would have no driver's license. The answer was, a tax statement, rental receipt, or anything to identify they are who they say they are.

REP. BALLANTYNE was concerned with Hutterites, whose women don't receive money, have no Social Security number, and don't drive. **Ms. Gravely** said they can get a state identification card for $5. **REP. BALLANTYNE** said they cannot have their picture taken. **REP. HURWITZ** said they all have birth certificates. **REP. SMITH** asked Ms. Gravely to address extended families on the reservation, where people may have no documentation or rent receipt because they live with relatives. **Ms. Gravely** said she would come up with compromise language so as not to disenfranchise anyone.

REP. JACOBSON asked **AARP Associate Director Pat Harper** how many snowbirds her organization had. She estimated 136,000 in Montana and confirmed the population is aging, getting more infirm, or in some cases, more mobile. All those factors increased likelihood of using absentee ballots. **REP. JACOBSON** said his concern is changing 45 to 30 days. **Ms. Harper** agreed and said those living in assisted living center may like more than 30 days.

REP. B. OLSON asked **Ms. Doggett, Secretary of State's Office**, to restate the reasons for the 30 days. She said it is not just the printing of ballots. The Voter Information Pamphlets (VIPs) are not ready too early. They extended the time to make the VIP available and shrunk the time the ballot is available. The average length of time for states is 21 days for early voting. It was two weeks; now it is three weeks for the VIP.

REP. BECKER asked if they can use provisional driver licenses. **Ms. Graveley's** answer was that to register, they could use the driver license, last four digits of the Social Security number, or the Election Administrator will assign a unique identification number. **REP. BECKER** said a Social Security card was not listed as

a choice of identification. **Ms. Graveley** said if voters were provisional, they still needed to present information like bills, a government check, or something with an address. **REP. BECKER** asked if they can use the envelope Social Security sends telling that they are registered. **Ms. Graveley** did not believe so.

REP. GIBSON asked if voters were already registered if they still need to present identification. **Ms. Graveley** said that was correct. **REP. GIBSON** asked to call in Informational Speaker **Rita Blouke, President of Helena Chapter, League of Women Voters,** who said there seems to be unintended impediments in the lengthy amendment, some from HAVA, some from the Secretary of State. They support moving the VIP mailing from two to three weeks prior. More people vote absentee now, and it is trouble for the Clerks and Recorders, but she is for choice. She had problems with having to show identification.

REP. YOUNKIN said there is a big misunderstanding here. The period to request absentee ballots begins 75 days prior. It will be mailed to the voter 30 days before, and they have probably 27 days left to return it before the election.

REP. B. OLSON asked **Informational Speaker Jason Thielman, Deputy Director, Secretary of State** his opinion if the direction they are going is leading to a national identification card. "No," replied Mr. Thielman. **REP. OLSON** asked for an explanation why the Secretary of State wanted to control who could pick up ballot requests for delivery. **Mr. Thielman** said there is confusion and misinformation here. There is no change to the method allowed of picking up or mailing out an absentee ballot. The only change is that the actual ballot can't be delivered by a third party.

REP. OLSON asked if the state had "wiggle room" under HAVA. **Mr. Thielman** said it does not. **REP. BALLANTYNE** asked Ms. Doggett, with present technology, if they could not have the VIP go out 45 days early with the ballot. She replied that it was a push to put it to three weeks now. They need statements from both sides to get them ready for the printer. **REP. DICKENSON** asked if they could just send a note with the ballot saying the VIP will follow. **Ms. Doggett** said ideally, they want just one mailing, but they can't control the timing of the VIP being ready. They will try to have it ready 30 days before, she said.

REP. DICKENSON asked about HAVA regulations regarding those legally registered, if they also needed identification cards when they voted. **Ms. Doggett** said that it is Montana, not HAVA, requiring identification at the polls. The identification of those already registered was never verified. Her office wants to

clean up the databases. **REP. A OLSON** said it is hard to move up deadlines on the VIPs. By the time the Initiative gets on the ballot, the time frame is tight.

REP. LENHART asked Ms. Heffelfinger about Page 21, Section 29, the purpose of the rule and how it would affect someone who is not mobile; in the past they have had another person deliver their ballot. **Ms. Heffelfinger** said this is an amendment request by the Secretary of State. It must be mailed by the voter, not a third party. **REP. YOUNKIN** said they were trying to avoid the ballot going through political parties, to avoid fraud. **CHAIRMAN BARRETT** mentioned fair booth registration; the applications could get misplaced so she likes the rule. **REP. BECKER** disagreed. She said women's groups, seniors and disability groups are all trying to get folks registered. The rule would preclude them from assisting others to register.

REP. SMITH asked **Ms. Doggett** about appeals. She said HAVA has a complaint process. A voter can go either to the Secretary of State's election administrator or can phone them to immediately reconcile errors. **REP. SMITH** asked about redistricting changing voters' districts. She said the Clerk and Recorders would do that; they keep the maps, residential information, and are the holders of the official register. There is one data base for the state.

REP. BALLANTYNE asked about a problem with Hutterite men picking up the women's absentee ballots. **Ms. Doggett** said the election administrators would deliver them, if asked. **REP. GIBSON** asked Ms. Graveley if the provisional ballot allowed voters up to one day after to verify identification; it is inconvenient for rural people. **Ms. Graveley** said it is not HAVA, that is a rule of the Secretary of State.

REP. DICKENSON asked if the Clerks can show discretion about what identification is acceptable. **Ms. Doggett** replied, the Secretary of State publishes rules specifying what items will do; also they do voter education in advance. **REP. DICKENSON** said there are so many roadblocks to voting in this bill: identification cards, time frame of 30 days to vote. She said older folks have to arrange rides; if they are snowbirds, they may leave mid-September. This all works against participation.

REP. WAGMAN asked REP. JENT if he was comfortable with these amendments. **REP. JENT** said he was with some, but not all. He had no problem mailing back the absentee ballots if others can pick them up beforehand. The problem with identification cards goes beyond HAVA, such as photo identification cards. He wanted to

read the HAVA and compare the amendment before voting. **CHAIRMAN BARRETT** said they will set aside time on Monday to give the bill all the time it needs before voting.

REP. BECKER asked about requiring birth dates for the absentee ballot. **Ms. Graveley** said it was so they could tell father from son. **REP. BECKER** asked if they need to enclose a copy of their photo identification with the ballot. **Ms. Graveley** said when they request the ballot that they show the identification. **Ms. Heffelfinger** addressed the question technically. It is the application for registration which required the identification; versus for the absentee ballot, it is the same process, but the amendment the Secretary of State requested for registering was for the absentees to have their birth date.

REP. BECKER said the way Page 19 reads now, one must present identification when registering, not when applying for absentee. **REP. YOUNKIN** said when one votes absentee, they get two envelopes. They put their identification in the larger envelope. The reason identification is not required when requesting the ballot is because they are not voting yet. **REP. SMITH** commented about the 30 days; it took a piece of his mail 24 days to get to Arizona, so it is not long enough for snowbirds.

REP. BROWN asked Ms. Heffelfinger if there is a provision for the absentee ballot to be sent to other than the permanent address. **Ms. Heffelfinger** deferred to the Secretary of State's staff, who said that on the bottom, one can list a temporary address.

Motion/Vote: REP. YOUNKIN moved to PASS CONSIDERATION OF THIS BILL TO ANOTHER MEETING. On a voice vote, **motion carried 19-0.** ***{Tape: 2; Side B; Approx. Time Counter: 0 - 38}***

Exhibit: **4.**

This exhibit is a collection of several assorted documents which cannot be scanned because they exceed the maximum amount that can be scanned.

If you wish to view this exhibit it is on file at the

Montana Historical Society
225 North Roberts Street
Helena, MT 59701
(406) 444-4774

EXHIBIT 5
DATE 2-14-03
HB 190

Centers for Independent Living
2002 Services

Centers for Independent Living are required to provide four (4) core services, under the Rehabilitation Act, Title VII. The four core services are Information & Referral, IL Skills Training, Peer Development, and Systems & Individual Advocacy.

Numbers reflect the services covered under the four core services, and provided the most often by Centers for Independent Living. The total of these numbers is not expected to equal the number of consumers served, as a consumer may have received several different services during the 2002 reporting year.

Services

Advocacy/Legal Services – Assistance and /or representation in obtaining access to benefits, services, and programs to which a consumer may be entitled. **945**

IL Skills Training and Life Skill Training Services – These may include instruction to develop independent living skills in areas such as personal care, coping, financial management, social skills, and household management. This may also include education and training necessary for living in the community and participating in community activities. **351**

Personal Assistance Services – These include, but are not limited to, assistance with personal bodily functions; communicative, household, mobility, work, emotional, cognitive, personal, and financial affairs; community participation; parenting; leisure; and other related needs. **330**

Housing, Home Modifications, and Shelter Services – These services are related to securing housing or shelter, adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by individuals with significant disabilities). **72**

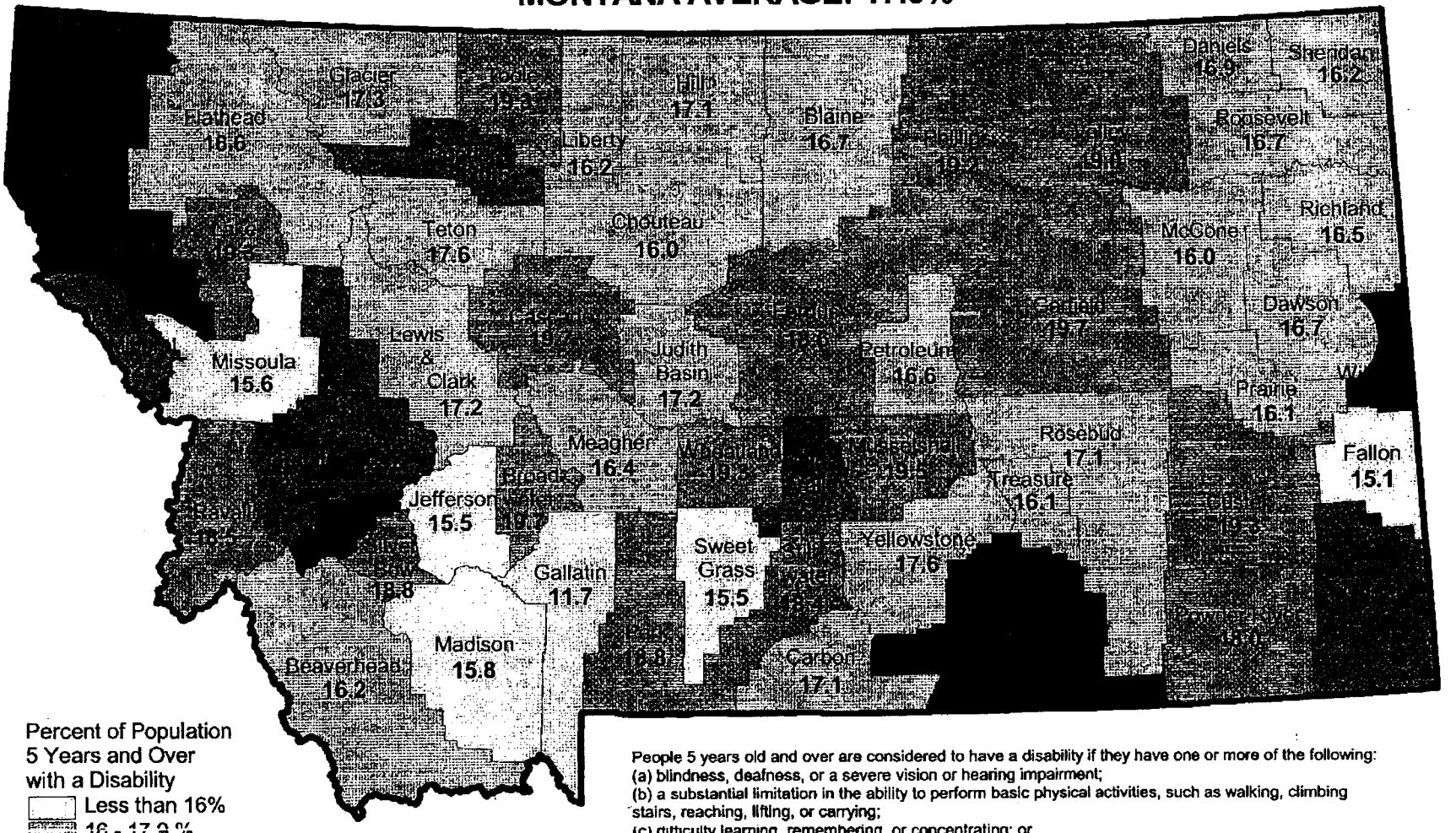
Peer Counseling Services – Counseling, teaching, information sharing, and similar kinds of contact provided to consumers by other people with disabilities. **278**

Information/Referral – self-explanatory **3,000+**

CENSUS 2000: MONTANA

Population 5 Years and Over with a Disability

MONTANA AVERAGE: 17.5%



Percent of Population
5 Years and Over
with a Disability

- Less than 16%
- 16 - 17.9 %
- 18 - 19.9 %
- 20 - 21.9 %
- More than 22%

People 5 years old and over are considered to have a disability if they have one or more of the following:
(a) blindness, deafness, or a severe vision or hearing impairment;
(b) a substantial limitation in the ability to perform basic physical activities, such as walking, climbing stairs, reaching, lifting, or carrying;
(c) difficulty learning, remembering, or concentrating; or
(d) difficulty dressing, bathing, or getting around inside the home.

50 0 50 100 Miles

Created by:
Census & Economic Information Center
Montana Department of Commerce
301 S. Park Ave, Helena, MT 59620-0505

406-841-2740 ceic@state.mt.us
http://ceic.commerce.state.mt.us

Source: U.S. Bureau of the Census, Census 2000

September 17, 2002 perc_disability.apr

Population 5 Years and Over with a Disability
Disability Status of Civilian Noninstitutional Population

		Population 5 Years and Over		
	Population All Ages	Population 5 Years Over*	With a Disability	Percent with a Disability
Montana	902,195	831,694	145,732	17.5
Beaverhead County	9,202	8,640	1,399	16.2
Big Horn County	12,671	11,322	2,606	23.0
Blaine County	7,009	6,380	1,065	16.7
Broadwater County	4,385	4,092	805	19.7
Carbon County	9,552	8,982	1,532	17.1
Carter County	1,360	1,289	280	21.7
Cascade County	80,357	70,712	13,958	19.7
Chouteau County	5,970	5,414	864	16.0
Custer County	11,696	10,690	2,063	19.3
Daniels County	2,017	1,886	318	16.9
Dawson County	9,059	8,250	1,381	16.7
Deer Lodge County	9,417	8,788	2,090	23.8
Fallon County	2,837	2,658	402	15.1
Fergus County	11,893	10,953	2,041	18.6
Flathead County	74,471	69,236	11,477	16.6
Gallatin County	67,831	63,523	7,438	11.7
Garfield County	1,279	1,182	233	19.7
Glacier County	13,247	12,037	2,077	17.3
Golden Valley County	1,042	991	216	21.8
Granite County	2,830	2,670	579	21.7
Hill County	16,673	15,313	2,625	17.1
Jefferson County	10,049	9,291	1,444	15.5
Judith Basin County	2,329	2,207	380	17.2
Lake County	26,507	24,506	4,741	19.3
Lewis and Clark County	55,716	51,703	8,874	17.2
Liberty County	2,158	1,990	322	16.2
Lincoln County	18,837	17,700	4,012	22.7
McCone County	1,977	1,864	299	16.0
Madison County	6,851	6,446	1,021	15.8
Meagher County	1,932	1,803	295	16.4
Mineral County	3,884	3,632	776	21.4
Missoula County	95,802	89,636	13,972	15.6
Musselshell County	4,497	4,227	823	19.5
Park County	15,694	14,678	2,757	18.8
Petroleum County	493	459	76	16.6
Phillips County	4,601	4,312	830	19.2
Pondera County	6,424	5,936	1,216	20.5
Powder River County	1,858	1,712	308	18.0
Powell County	7,180	5,426	1,180	21.7
Prairie County	1,199	1,129	182	16.1
Ravalli County	36,070	33,659	6,221	18.5
Richland County	9,667	8,971	1,484	16.5
Roosevelt County	10,620	9,581	1,596	16.7
Rosebud County	9,383	8,524	1,460	17.1
Sanders County	10,227	9,659	2,354	24.4
Sheridan County	4,105	3,884	628	16.2
Silver Bow County	34,606	31,930	5,993	18.8
Stillwater County	8,195	7,690	1,414	18.4
Sweet Grass County	3,609	3,336	518	15.5
Teton County	6,445	5,986	1,055	17.6
Toole County	5,267	4,575	884	19.3
Treasure County	861	813	131	16.1
Valley County	7,675	7,219	1,371	19.0
Wheatland County	2,259	2,046	395	19.3
Wibaux County	1,068	974	254	26.1
Yellowstone County	129,352	119,182	21,017	17.6

*The Universe (100%)

Source: U.S. Census Bureau, Census 2000, Summary File (SF) 3 Sample Data, Tables P1 and QT-P21

HOUSE OF REPRESENTATIVES
Roll Call
STATE ADMINISTRATION COMMITTEE

DATE 2-14-03

NAME	PRESENT	ABSENT	EXCUSED
REP. DEBBIE BARRETT, CHAIRMAN	✓		
REP. DEE BROWN, VICE CHAIR MAJORITY	✓		
REP. LARRY JENT, VICE CHAIR MINORITY	✓		
REP. NORMAN BALLANTYNE	✓		
REP. ARLENE BECKER	✓		
REP. SUE DICKENSON	✓		
REP. CAROL GIBSON	✓		
REP. DAN HURWITZ	✓		
REP. HAL JACOBSON	✓		
REP. LARRY LEHMAN	✓		
REP. RALPH LENHART	✓		
REP. ALAN OLSON	✓		
REP. BERNIE OLSON	✓		
REP. DON ROBERTS	✓		
REP. CLARICE SCHRUMPF	✓		
REP. FRANK SMITH	✓		
REP. PAT WAGMAN	✓		
REP. JONATHAN WINDY BOY	✓		✓ came in late
REP. CINDY YOUNKIN	✓		✓

/s/StateAdminRollCall2003

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on February 17, 2003 at 8 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Larry Jent, Vice Chairman (D)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Sue Dickenson (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Hal Jacobson (D)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Don Roberts (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Jonathan Windy Boy (D)
Rep. Cindy Younkin (R)
Rep. Pat Wagman (R)

Members Excused: Rep. Dee Brown, Vice Chairman (R)
Rep. Larry Lehman (R)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing and Date Posted: HB 523, HB 532, HB 541, 2/11/2003
Executive Action: HB 190 DO PASS AS AMENDED;
HB 503 DO PASS

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. GIBSON asked if a raise for public employees would be in the family impact note. **The sponsor** wasn't sure. It addresses who benefits, and who bears the cost of bills. **REP. DICKENSON** asked for a sample of the report before executive action. **The sponsor** agreed; she said the presiding officer in each house requests this bill. **REP. HURWITZ** asked if it considered all government programs. **The sponsor** said it did.

CHAIRMAN BARRETT said the report is extensive; it took ten days to prepare and her committee last session voted not to request one. **CHAIRMAN BARRETT** asked the sponsor to find out the cost to the government to put one together, counting preparation time. She agreed to find out, and said it was six days in 1999.
{Tape: 1; Side: A; Approx. Time Counter: 8.2 - 13.3}

Closing by Sponsor: Sponsor closed.
{Tape: 1; Side: A; Approx. Time Counter: 13.3 - 13.5}

EXECUTIVE ACTION ON HB 190

Motion: REP. YOUNKIN moved **HB 190 DO PASS.**

Motion: REP. YOUNKIN moved **HB 190 BE AMENDED (019001.ash)**

Discussion:

REP. YOUNKIN said she reads this amendment as basically a new bill. She recapped Friday's discussion. Cleanup language and requirements to comply with HAVA comprise 95% of the bill. There are four areas of concern. HAVA required voter identification (ID) to register, but not to vote. The Clerk and Recorder's Office will send absentee ballots 30 days before, but the voter can still request it 75 days before. The Voter Information Pamphlet (VIP) will be ready sooner. For collection of absentee ballots, new section 29, the application for absentees must go directly to the election administrator, not through AARP or a party, to avoid appearance of impropriety, and so they won't get lost.

REP. HURWITZ asked if an amendment would tie the absentee ballot to the military voting bill. **REP. JENT** said the HAVA does not

limit the time of request for ballot. But HB 201 has a mailing limit of no less than 30 days for mailing military absentees. **REP. YOUNKIN** asked if that would extend the time to request ballots to 75 days. **REP. HURWITZ** said he has no preference, he is just trying to address AARP concerns. **REP. BECKER** said the military can fax or email or use the internet for absentee requests. **REP. JENT** agreed but said they cannot fax the ballot. He asked **Ms. Doggett** and she agreed. They may fax or internet the ballot only if they waive security. **REP. JACOBSON** said shortening the 45-day limit would affect snowbirds who leave about the end of September. **REP. GIBSON** said showing identification cards will slow down the line at the polls. **REP. BALLANTYNE** said he wanted an exception to the photo ID for the Hutterites.
{Tape: 1; Side: A; Approx. Time Counter: 13.5 - 25.8}

REP. LENHART asked why they need an ID if they are already registered. **REP. DICKENSON** said even if they can provisionally vote, they have to come back with the ID the next day. Montana has the highest per capita rate of those working session jobs. In rural communities, they must drive farther. **REP. WINDY BOY** said registration is linked to jury duty and it was a major obstacle in his campaign. **CHAIRMAN BARRETT** said that is the current law.
{Tape: 1; Side: A; Approx. Time Counter: 27 - 31.8}

REP. SCHRUMPF said most have driver's licenses. **REP. YOUNKIN** said Montana did not have huge problems like Florida, Louisiana and South Dakota. This bill is proactive, it upholds the integrity of the process. **REP. JENT** outlined his objections. The first is with the photo ID, which HAVA requires only for new or transfer voters. He also disagrees that everyone mail in a copy of an ID when voting absentee. It will cause problems when they mail the absentee ballot with no ID. He is neutral on the 45-day versus 30-day advance mailing, but if AARP wants it, he would go for it. On the third party issue, he agrees with the Clerk and Recorder's Office. Ballots could otherwise be lost. They should vote on amending the amendment.

REP. ROBERTS said the 45 days for snowbirds is a red herring. They would stay in touch to get their mail, and people are used to showing ID cards. **REP. SMITH** said they passed 20 bills in the last two sessions that take away driver licenses for infractions; they need a better system. **REP. BECKER** said they could move the bill and segregate disputed amendments. She opposes taking the third parties out. Seniors, union members, and the disabled have major absentee voting, she said.
{Tape: 1; Side: A; Approx. Time Counter: 31.8 - 40}

REP. B. OLSON said only a small segment of the population have no IDs. They could add language to allow other IDs. **REP. YOUNKIN** asked if the Hutterite colonies had social security cards. **REP. BALLANTYNE** said each can opt differently. **REP. SCHRUMPF** asked if they could research the colonies in their district. **REP. SMITH** said there is no photo on social security cards. **REP. YOUNKIN** indicated that Section 21 says utility bills are okay. She asked **Ms. Doggett**, if they did not have a photo ID, would a government document be okay. **Ms. Doggett** said a birth certificate counts, and that Lewis and Clark County will issue a wallet-sized certificate of registration. **Ms. Heffelfinger** said they could correct the language to say those other documents are okay.
{Tape: 1; Side: A; Approx. Time Counter: 40 - 41.5}

REP. BERNIE OLSON asked **Mr. Thielman** what ID that had no photo would qualify. He replied that for the statewide data base they could create an ID card and mail it to the colony for absentee ballot process, and that HAVA will help with money for this.
{Tape: 1; Side: A; Approx. Time Counter: 47.9 - 52.3}

REP. BECKER asked, if when voters return the absentee ballot, would it not have the same information as they showed to register **Mr. Thielman** said they needed the last four digits of the social security number or driver license number for all first time voters or if they register by mail. **REP. BALLANTYNE** said birth certificates do not have current address. **REP. WINDY BOY** said he is confused with all the handwritten changes on the amendment. **CHAIRMAN BARRETT** explained that the amendment replaces the old bill.
{Tape: 1; Side: A; Approx. Time Counter: 52.3 - 66}

REP. WAGMAN asked if the Secretary of State could create exceptions if voters wanted the ballot 45 days in advance. **REP. BECKER** asked **REP. YOUNKIN** how the provisional vote would work. **REP. YOUNKIN** said most likely they would not count that vote until the next day in a large county. **REP. BALLANTYNE** agrees with allowing provisional voting. **REP. WAGMAN** said mischief is possible with people voting as their elderly parents or grandparents. He agreed they needed to require IDs to register, but not at the polls. **REP. ALAN OLSON** said voter fraud nationwide is growing; this keeps it honest. They cannot purge dead people off the registered list for session years.

REP. DICKENSON asked about segregating the issues. **CHAIRMAN BARRETT** said they needed a **motion** and to clarify what they want. **REP. YOUNKIN** said they could segregate out sections. **CHAIRMAN BARRETT** said they cannot make a third motion until they vote or rescind. **Ms. Heffelfinger** said they needed a substitute **motion**

to segregate. **REP. YOUNKIN** said they can pass the amendment, then move to amend the bill and remove troublesome sections. **REP. GIBSON** asked, if they accepted it as amended, could they still change it. **CHAIRMAN BARRETT** said that they could change it here or on the floor.

Vote: On a roll call vote, HB 190 AMENDMENTS (019001.ash) **motion carried 10-9. Voting no were REPS. JENT, BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, LENHART, SMITH, and WINDY BOY. Voting by proxy were REPS. BROWN and LEHMAN.**

Motion: REP. A. OLSON moved HB 190 DO PASS AS AMENDED (019001.ash).

Motion: REP. GIBSON moved to CHANGE AMENDMENT BY TAKING OUT SECTION 7 ON PAGE 21. Ms. Heffelfinger distributed this second amendment.
EXHIBIT(sth35a01)

Discussion:

REP. GIBSON asked if it takes out requirements for any ID. **Ms. Heffelfinger** said they must show photo ID only if not registered. **REP. JENT** said it reverts to HAVA requirements only. **REP. BALLANTYNE** said if they are registered, they don't need their ID to vote absentee. **Ms. Heffelfinger** said that was correct. **The sponsor** told a story about "dead folks" voting in Butte. This will protect the integrity. **REP. A. OLSON** agreed. **REP. JENT** challenged the idea of this going further if language was okay with Congress and the President. He said, "We don't have these problems in Montana."

Vote: On a roll call vote, motion for a second amendment failed 9-10. Voting aye were REPS. JENT, BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, LENHART, SMITH and WINDY BOY. REPS. BROWN and LEHMAN voted by proxy.
{Tape: 1; Side: B; Approx. Time Counter: 0 - 55}

Motion: REP. DICKENSON moved to PUT THE TIME FOR ABSENTEE VOTING BACK TO 45 DAYS, DELETING THE 30 DAYS.

Discussion:

REP. DICKENSON said to see Page 20, Section 27. **REP. A. OLSON** said they can request it 75 days in advance. He opposes the 30 days. **REP. JACOBSON** said if snowbirds miss their bills by a month, they will get to them, but not the ballot. Sometimes they

take the ballot in themselves. **REP. LENHART** said the 45 days worked well for years. **REP. YOUNKIN** said it was "at least 30 days." If ballots are ready, they will give them out more than 30 days in advance. **REP. ROBERTS** asked, if a candidate died, when another candidate could be put on the ballot. **REP. YOUNKIN** said if a candidate dies 75 days before the election, the ballots can't be changed.

Vote: On a roll call vote, amendment 3 failed 9-10. Voting aye were REPS. JENT, BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, LENHART, SMITH and WINDY BOY. REPS. BROWN and LEHMAN voted by proxy.

Motion: REP. A. OLSON moved CONCEPTUAL AMENDMENT TO CHANGE THE MAILING OF THE VIP FROM 3 WEEKS TO 30 DAYS.

Discussion:

REP. OLSON said the voter should be informed when the ballots arrive.

Vote: On a voice vote, amendment 4 carried 19-0.

Motion: REP. BECKER moved a CONCEPTUAL AMENDMENT to STRIKE Section 29 and LEAVE THE LAW IN PLACE.

Discussion:

REP. YOUNKIN said it is not an inconvenience to put a ballot in the mail. **REP. GIBSON** said the League of Women Voters opposed this Section.

Vote: On a roll call vote, the 5th amendment failed 7-12. Voting aye were REPS BECKER, DICKENSON, GIBSON, JACOBSON, LENHART, SMITH and WINDY BOY. REPS. BROWN and LEHMAN VOTED by proxy.

Motion/Vote: REP. YOUNKIN moved HB 190 DO PASS AS AMENDED. On a roll call vote, motion carried 10-9. Voting no were REPS. JENT, BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, LENHART, SMITH and WINDY BOY. REPS. BROWN and LEHMAN voted by proxy.

HEARING ON HB 523

Sponsor: REP. JOE BALYEAT, HD 32
Opening Statement by Sponsor:

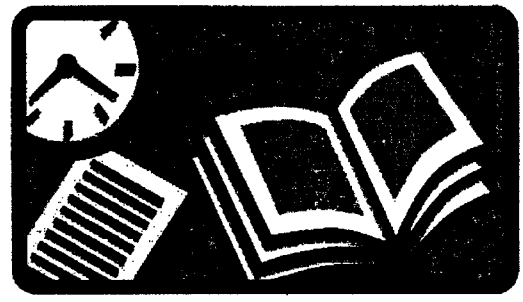


Exhibit: 1

The following exhibit contains several pages, which exceeded the maximum amount that can be scanned.

If you wish to view this exhibit, please contact the:
Montana Historical Society
225 N. Roberts Street
Helena, MT 59601
(406) 444-4774

HOUSE OF REPRESENTATIVES
Roll Call
STATE ADMINISTRATION COMMITTEE

DATE 2-17-03

NAME	PRESENT	ABSENT	EXCUSED
REP. DEBBIE BARRETT, CHAIRMAN	✓		
REP. DEE BROWN, VICE CHAIR MAJORITY			✓
REP. LARRY JENT, VICE CHAIR MINORITY	✓		
REP. NORMAN BALLANTYNE	✓		
REP. ARLENE BECKER	✓		
REP. SUE DICKENSON	✓		
REP. CAROL GIBSON	✓		
REP. DAN HURWITZ	✓		
REP. HAL JACOBSON	✓		
REP. LARRY LEHMAN			✓
REP. RALPH LENHART	✓		
REP. ALAN OLSON	✓		
REP. BERNIE OLSON	✓		
REP. DON ROBERTS	✓		
REP. CLARICE SCHRUMPF	✓		
REP. FRANK SMITH	✓		
REP. PAT WAGMAN	✓		
REP. JONATHAN WINDY BOY	✓		
REP. CINDY YOUNKIN			

9:10

late

/s/StateAdminRollCall2003

HOUSE OF REPRESENTATIVES
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE 2/17/03 BILL NO ~~HB 190~~ MOTION NO. #1
MOTION: Amendment 4 to HB 190 (0019001.asr)

NAME	AYE	NO	ABSENTEE
REP. DEBBIE BARRETT, CHAIRMAN	✓		
REP. DEE BROWN, VICE CHAIR MAJORITY	✓		
REP. LARRY JENT, VICE CHAIR MINORITY		✓	
REP. NORMAN BALLANTYNE		✓	
REP. ARLENE BECKER		✓	
REP. SUE DICKENSON		✓	
REP. CAROL GIBSON		✓	
REP. DAN HURWITZ	✓		
REP. HAL JACOBSON		✓	
REP. LARRY LEHMAN	✓		
REP. RALPH LENHART		✓	
REP. ALAN OLSON	✓		
REP. BERNIE OLSON	✓		
REP. DON ROBERTS	✓		
REP. CLARICE SCHRUMPF	✓		
REP. FRANK SMITH		✓	
REP. PAT WAGMAN	✓		
REP. JONATHAN WINDY BOY		✓	
REP. CINDY YOUNKIN	✓		

Phy

Prox

/s/StateAdminRollCallVote.2003
Chair

10 - 9

HOUSE OF REPRESENTATIVES
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE 2/17/03 BILL NO HB 190 MOTION NO. 2
MOTION: HB 190 Amendment (00.19002.adv)

NAME	AYE	NO	ABSENTEE	
REP. DEBBIE BARRETT, CHAIRMAN		✓		
REP. DEE BROWN, VICE CHAIR MAJORITY		✓		proxy
REP. LARRY JENT, VICE CHAIR MINORITY	✓			
REP. NORMAN BALLANTYNE	✓			
REP. ARLENE BECKER	✓			
REP. SUE DICKENSON	✓			
REP. CAROL GIBSON	✓			
REP. DAN HURWITZ		✓		
REP. HAL JACOBSON	✓			
REP. LARRY LEHMAN		✓		proxy
REP. RALPH LENHART	✓			
REP. ALAN OLSON		✓		
REP. BERNIE OLSON		✓		
REP. DON ROBERTS		✓		
REP. CLARICE SCHRUMPF		✓		
REP. FRANK SMITH	✓			
REP. PAT WAGMAN		✓		
REP. JONATHAN WINDY BOY	✓			
REP. CINDY YOUNKIN		✓		

/s/StateAdminRollCallVote.2003

9- 10

HOUSE OF REPRESENTATIVES
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE 2-17-03 BILL NO HB 190 MOTION NO. 3

MOTION: HB 190 amendment 3

NAME	AYE	NO	ABSENTEE	
REP. DEBBIE BARRETT, CHAIRMAN		✓		
REP. DEE BROWN, VICE CHAIR MAJORITY		✓		proxy
REP. LARRY JENT, VICE CHAIR MINORITY	✓			
REP. NORMAN BALLANTYNE	✓			
REP. ARLENE BECKER	✓			
REP. SUE DICKENSON	✓			
REP. CAROL GIBSON	✓			
REP. DAN HURWITZ		✓		
REP. HAL JACOBSON	✓			
REP. LARRY LEHMAN		✓		proxy
REP. RALPH LENHART	✓			
REP. ALAN OLSON		✓		
REP. BERNIE OLSON		✓		
REP. DON ROBERTS		✓		
REP. CLARICE SCHRUMPF		✓		
REP. FRANK SMITH	✓			
REP. PAT WAGMAN		✓		
REP. JONATHAN WINDY BOY	✓			
REP. CINDY YOUNKIN		✓		

/s/StateAdminRollCallVote.2003

9 - 10

HOUSE OF REPRESENTATIVES
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE 2/17/03 BILL NO 190 MOTION NO. 5
MOTION: 5th Amend to HB 190

NAME	AYE	NO	ABSENTEE	
REP. DEBBIE BARRETT, CHAIRMAN		✓		
REP. DEE BROWN, VICE CHAIR MAJORITY		✓		proxy
REP. LARRY JENT, VICE CHAIR MINORITY		✓		
REP. NORMAN BALLANTYNE		✓		
REP. ARLENE BECKER	✓			
REP. SUE DICKENSON	✓	~~✓~~ JSR		
REP. CAROL GIBSON	✓			
REP. DAN HURWITZ		✓		
REP. HAL JACOBSON	✓			
REP. LARRY LEHMAN		✓		proxy
REP. RALPH LENHART	✓			
REP. ALAN OLSON		✓		
REP. BERNIE OLSON		✓		
REP. DON ROBERTS		✓		
REP. CLARICE SCHRUMPF		✓		
REP. FRANK SMITH	✓			
REP. PAT WAGMAN		✓		
REP. JONATHAN WINDY BOY	✓			
REP. CINDY YOUNKIN		✓		

/s/StateAdminRollCallVote.2003

7 - 12

HOUSE OF REPRESENTATIVES
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

motion 1 and 6 were the same.

DATE 2/17 BILL NO HB 190 MOTION NO. 6 & 6

MOTION: DO PASS AS Amend (illegible)

NAME	AYE	NO	ABSENTEE	
REP. DEBBIE BARRETT, CHAIRMAN	✓			
REP. DEE BROWN, VICE CHAIR MAJORITY	✓			proxy
REP. LARRY JENT, VICE CHAIR MINORITY		✓		
REP. NORMAN BALLANTYNE		✓		
REP. ARLENE BECKER		✓		
REP. SUE DICKENSON		✓		
REP. CAROL GIBSON		✓		
REP. DAN HURWITZ	✓			
REP. HAL JACOBSON		✓		
REP. LARRY LEHMAN	✓			proxy
REP. RALPH LENHART		✓		
REP. ALAN OLSON	✓			
REP. BERNIE OLSON	✓			
REP. DON ROBERTS	✓			
REP. CLARICE SCHRUMPF	✓			
REP. FRANK SMITH		✓		
REP. PAT WAGMAN	✓			
REP. JONATHAN WINDY BOY		✓		
REP. CINDY YOUNKIN	✓			

/s/StateAdminRollCallVote.2003

10 - 9

COMMITTEE PROXY

DATE Feb. 17, 2003

I request to be excused from the State Administration Committee meeting this date because of other commitments. I desire to leave my proxy vote with Rep. Alan Olson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT	AYE	NO
019001.ASH	X	
019002.ASH		X
019003 Change 30-45 Days Conceptual Amend		X
019004 Change 3 wks to 30 days Conceptual VIP	X	
019005 Conceptual Statute Sec. 29		X
HB 190 as Amend	X	
HB 503	X	

SENATE BILL/AMENDMENT	AYE	NO

Rep. Dee Brown

(Signature)

S:\HOUSE STATE ADMIN FORMS\committee proxy.frm

COMMITTEE PROXY

DATE Feb. 17, 2003

I request to be excused from the State Administration Committee meeting this date because of other commitments. I desire to leave my proxy vote with Rep Alma Olson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT	AYE	NO
019006 ASH	X	
019001. ASH		X
Change 30 to 45 days Conceptual Amend		X
change 3 wk to 30 days Conceptual VIP	X	
Conceptual Strike Sec. 29		X
HB 190 As Amended	X	
HB 503	X	

SENATE BILL/AMENDMENT	AYE	NO

Rep. Tony R. Tatman

(Signature)

S:\HOUSE STATE ADMIN FORMS\committee proxy.frm

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 190** (first reading copy -- white) **do pass as amended.**

Signed: Debby Barrett
Representative Debby Barrett, Chair

And, that such amendments read:

1. Title, page 1, line 6.
Following: ";"
Insert: "IMPLEMENTING THE PROVISIONS OF THE HELP AMERICA VOTE ACT CONCERNING A STATEWIDE VOTER REGISTRATION LIST, INFORMATION SHARING, AND PROVISIONAL VOTING; PROVIDING THAT ALL ELECTORS MUST PRESENT IDENTIFICATION BEFORE VOTING; PROVIDING THAT A CANDIDATE MAY NOT FILE FOR MORE THAN ONE OFFICE;"

2. Title, page 1, line 7.
Following: ";"
Insert: "REVISING PROVISIONS REGARDING VOTER INSTRUCTIONS THAT MUST BE DISPLAYED; REVISING WHEN ABSENTEE BALLOTS MUST BE AVAILABLE;"

3. Title, page 1, line 12.
Following: ";"
Insert: "REVISING THE TIME WITHIN WHICH A CANVASSING BOARD IS REQUIRED MEET TO CANVAS THE RETURNS;"

4. Title, page 1, line 14.
Following: ";"
Strike: "AND"
Insert: "ELIMINATING CERTAIN CHALLENGES TO AN ELECTOR'S ELIGIBILITY TO VOTE;"

Committee Vote:
Yes 10, No 9.

351357SC.hhn

5. Title, page 1, lines 15 and 16.
Strike: "13-1-104" on line 15 through "13-27-410," on line 16
Insert: "13-1-101, 13-1-104, 13-1-301, 13-2-115, 13-2-116, 13-2-122, 13-2-123, 13-2-205, 13-2-220, 13-2-402, 13-2-513, 13-2-514, 13-2-601, 13-10-201, 13-10-211, 13-13-112, 13-13-114, 13-13-201, 13-13-204, 13-13-205, 13-13-212, 13-13-213, 13-13-214, 13-13-241, 13-13-301, 13-14-112, 13-14-113, 13-15-111, 13-15-401, 13-15-402, 13-19-313, 13-22-107, 13-27-410, AND 13-37-250,"

6. Title, page 1, line 16.
Following: "MCA"
Insert: "; AND REPEALING SECTIONS 13-2-112, 13-2-114, 13-2-202, 13-2-203, 13-2-207, 13-2-219, 13-2-403, 13-2-404, 13-2-515, 13-2-603, 13-13-304, 13-13-305, 13-13-306, 13-13-307, 13-13-309, 13-13-310, AND 13-13-311, MCA. "

7. Page 1, line 20 through page 7, line 13.
Strike: everything after the enacting clause
Insert: **"Section 1.** Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means ~~a qualified~~ an elector who voted in the previous federal general election and whose name is on the active list.

(2) "Active list" means a list of active electors maintained ~~by an election administrator~~ pursuant to ~~13-2-219~~ 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a ~~completed~~ voter registration ~~card~~ form prescribed by the secretary of state that is completed and signed by an elector, submitted to the election administrator, and contains voter registration information subject to ~~confirmation,~~ verification as provided ~~in 13-2-207~~ by law.

(5) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to

solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(6) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private ~~residence~~ residences for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or

(iv) filing fees paid by the candidate.

(7) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(8) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

(9) "Elector" means an individual qualified ~~and registered~~ to vote under state law.

(10) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (6);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal

necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees.

(11) "Federal election" means a general or primary election in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(12) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(13) "Inactive elector" means an individual who failed to vote in the preceding federal general election and whose name ~~is~~ was placed on an inactive list pursuant to 13-2-220.

(14) "Inactive list" means a list of inactive electors maintained ~~by an election administrator~~ pursuant to ~~13-2-219~~ 13-2-220.

(15) "Individual" means a human being.

(16) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon approval by the secretary of state of the form of the petition or referral.

(17) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

~~(17)~~(18) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (5).

~~(18)~~(19) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a

contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

~~(19)~~(20) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

~~(20)~~(21) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

(22) "Provisional ballot" means a ballot cast by an elector whose identity and eligibility to vote has not been verified as provided by law.

(23) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose eligibility has not yet been verified as provided by law.

~~(21)~~(24) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(22)~~(25) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(23)~~(26) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(27) "Statewide voter registration list" means the voter registration list established and maintained pursuant to [sections 4 and 5].

(28) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.

~~(24)~~(29) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector.""

"Section 2. Section 13-1-104, MCA, is amended to read:

"13-1-104. Times for holding general elections. (1) (a) ~~A~~ Except as provided in subsection (1)(b), a general election must be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV,

section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election~~, unless an earlier date is provided in a law authorizing a special election on an initiative or referendum pursuant to Article III, section 6,~~ and to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(b) A special election may be held on an earlier date provided in a law authorizing a special statewide election on an initiative or referendum pursuant to Article III, section 6, of the Montana constitution.

(2) A general election must be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision, other than a municipality, required to hold elections annually ~~shall~~ must be held on school election day, the first Tuesday after the first Monday of May of each year, and is subject to the election procedures provided for in 13-1-401.

(4) The general election for a municipality required to hold elections annually may be held either on school election day, as provided in subsection (3), or on the first Tuesday after the first Monday in November, at the discretion of the governing body."

Insert: "Section 3. Section 13-1-301, MCA, is amended to read:

"13-1-301. Election administrator. (1) The county clerk and recorder of each county is the election administrator unless the governing body of the county designates another official or appoints an election administrator.

(2) The election administrator is responsible for the administration of all procedures relating to registration of electors and conduct of elections, ~~and~~ shall keep all county records relating to elector registration and elections, and is the primary point of contact for the county with respect to the statewide voter registration list and implementation of other provisions of applicable federal law governing elections.

(3) The election administrator may appoint a deputy election administrator for each political subdivision required to hold annual elections under the provisions of 13-1-104(3). Each election administrator or deputy election administrator is responsible for the conduct of the annual elections of ~~such~~ the

political subdivision, as provided by 13-1-401."
"

Insert: "NEW SECTION. **Section 4. Statewide voter registration database -- information-sharing agreements.** (1) The secretary of state shall establish, in a uniform and nondiscriminatory manner, a single official, centralized, and interactive computerized statewide voter registration database that meets the requirements of 42 U.S.C. 15483.

(2) (a) The statewide voter registration database must be used as the official list of registered electors for the conduct of all elections subject to this title.

(b) The database must contain the name and registration information of each registered elector.

(c) Each election administrator must be provided with immediate electronic access to the database.

(d) The secretary of state shall provide the technical support required to assist election administrators to enter, maintain, and access information in the statewide voter registration database.

(3) As provided in 42 U.S.C. 15483:

(a) the secretary of state and the attorney general shall enter into an agreement to match information in the statewide voter registration list with information in the motor vehicle licensing database to the extent required to verify voter registration information; and

(b) the attorney general shall enter into an agreement with the United States commissioner of social security for the purpose of verifying voter registration information."

Insert: "NEW SECTION. **Section 5. Rulemaking for statewide voter registration list.** (1) The secretary of state shall adopt rules to implement the provisions of 42 U.S.C. 15483 and this chapter.

(2) The rules must include but are not limited to:

(a) list maintenance procedures, including new data entry, updates, registration transfers, and other procedures for keeping information current and accurate;

(b) proper maintenance and use of active and inactive lists;

(c) proper maintenance and use of lists for legally registered electors and provisionally registered electors;

(d) procedures and timelines to be used by election administrators when providing the information required in 13-2-123;

(e) technical security of the statewide voter registration database;

(f) information security with respect to keeping from general public distribution driver's license numbers, whole or partial social security numbers, and address information protected from general disclosure pursuant to 13-2-115; and

(g) quality control measures for the system and system users."

Insert: "NEW SECTION. **Section 6. Rulemaking on sufficiency and verification of voter registration information.** (1) The secretary of state shall adopt rules:

(a) to implement the provisions of [section 7] and this section concerning how election administrators determine whether the information provided by an elector on an application for voter registration is:

(i) sufficient to be accepted and processed; or

(ii) insufficient to be accepted and processed;

(b) establishing procedures for verifying the accuracy of voter registration information;

(c) establishing standards for determining whether an elector may be legally registered or provisionally registered; and

(d) establishing procedures for notifying electors about the status of their applications and registration.

(2) The rules may not conflict with 42 U.S.C. 15301, et seq., or 13-2-208."

Insert: "NEW SECTION. **Section 7. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by mail by completing and signing an application for voter registration and providing the application to the election administrator in the county in which the elector resides before the close of registration as provided in 13-2-301.

(2) An individual applying by mail shall send the application to the election administrator, postage paid, no later than 15 days after the date it is signed. An application for voter registration properly executed and postmarked on or before the day registration is closed must be accepted for 3 days after the close of registration.

(3) Each application for voter registration must be accepted and processed as provided in rules adopted under [section 6].

(4) Except as provided in subsection (5):

(a) an applicant for voter registration shall provide the applicant's driver's license number; or

(b) if the applicant does not have a driver's license, the applicant shall provide the last four digits of the applicant's social security number.

(5) If an applicant does not have a driver's license or social security number:

(a) an applicant appearing in person before the election administrator shall provide:

(i) current and valid photo identification with the

individual's name and current address; or

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(b) an applicant applying to register by mail shall also enclose a copy of:

(i) a current and valid photo identification with the individual's name and current address; or

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(6) (a) If information provided on an application for voter registration is sufficient to be accepted and processed and is verified pursuant to rules adopted under [section 6], the election administrator shall register the elector as a legally registered elector.

(b) If information provided on an application for voter registration was sufficient to be accepted but the applicant failed to provide the information required in subsection (4) or (5) or if the information provided was incorrect or insufficient to verify the individual's eligibility to vote, the election administrator shall register the applicant as a provisionally registered elector.

(7) Each applicant for voter registration must be notified of the elector's registration status pursuant to rules adopted under [section 6].

(8) The secretary of state shall assign to each elector whose application was accepted a unique identification number for voting purposes and shall establish a statewide uniform method to allow the secretary of state and local election officials to distinguish legally registered electors from provisionally registered electors.

(9) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-212, 13-2-215, 13-2-221, and 61-5-107 and as provided for in federal law."

Insert: "Section 8. Section 13-2-115, MCA, is amended to read:

"13-2-115. ~~Registration~~ Certification of statewide voter registration list -- local lists to be prepared. (1) ~~Except as provided in subsections (6) and (7), immediately~~ Immediately after registration is closed, the secretary of state shall certify the official statewide voter registration list.

(2) Each election administrator shall ~~prepare and~~ have lists printed from the certified statewide voter registration database lists of all registered electors in each precinct in the county. ~~Names~~ Except as provided in subsections (5) and (6), names of electors must be listed alphabetically, with their residence address or with a mailing address if located where street numbers are not used. ~~A preliminary list of registered~~

~~electors may be printed before the close of registration for an election. If a preliminary list is printed, a supplementary list must be printed after the close of registration.~~

~~(2)~~(3) A copy of the list of registered ~~voters~~ electors in a precinct must be displayed at the precinct's polling place. Extra copies of the lists must be retained by the election administrator and furnished to an elector upon request.

~~(3) The list of registered electors prepared for a primary election may be used for the general election if a supplemental list giving the additions and deletions since the primary list was prepared is printed. The election administrator may prepare lists for a special election, but lists are not required to be printed for special elections.~~

(4) Lists of registered ~~voters~~ electors need not be printed if the election will not be held.

~~(5) The election administrator shall forward a list of all registered electors in the county to the secretary of state, as provided in 13-2-123. The secretary of state shall use the lists submitted by election administrators to compile and maintain a list of all registered electors in the state. Upon written request, the secretary of state shall furnish to any elector, for noncommercial use, a current list of registered electors. Upon delivery of the list to the elector, the secretary of state shall charge and collect a fee, which must be set and deposited in accordance with 2-15-405.~~

~~(6)~~(5) If a law enforcement officer or reserve officer, as defined in 7-32-201, requests in writing that, for security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's, not be disclosed, the ~~registrar~~ secretary of state or an election administrator may not include the address on any generally available list of registered ~~voters~~ electors but may list only the ~~name or~~ electors' names.

~~(7)~~(6) (a) Upon the request of an individual, the secretary of state or an election administrator may not include the individual's residential address on any generally available list of registered ~~voters~~ electors but may list only the elector's name ~~or names~~ if the individual:

(i) proves to the election administrator, as provided in subsection (6)(b), that the individual, or a minor in the custody of the individual, has been the victim of partner or family member assault, stalking, custodial interference, or other offense involving bodily harm or threat of bodily harm to the individual or minor; or

(ii) proves to the election administrator, as provided in subsection (6)(c), that a temporary restraining order or injunction has been issued by a judge or magistrate to restrain another person's access to the individual or minor.

(b) Proof of the victimization is conclusive upon exhibition to the election administrator of a criminal judgment, information and judgment, or affidavit of a county attorney

clearly indicating the conviction and the identity of the victim.

(c) Proof of the issuance of a temporary restraining order or injunction is conclusive upon exhibition to the election administrator of the temporary restraining order or injunction.""

Insert: "Section 9. Section 13-2-116, MCA, is amended to read:

"13-2-116. Precinct register. (1) Before each election, the election administrator shall prepare from the certified statewide voter registration list a precinct register for each precinct in the county for use by the election judges. The register must contain an alphabetical list of the names, with addresses, of the legally registered electors and provisionally registered electors, a space for the signature of the elector, and ~~such~~ other information as prescribed by the secretary of state.

(2) If some of the electors in a precinct are not eligible to receive all ballots at an election because of a combination of the elections of more than one political subdivision, the election administrator shall distinguish the names of those eligible for each ballot by whatever method will be clear and efficient.

(3) When several precincts have been combined at one polling place for an election, the election administrator may combine the electors from all precincts into one register or may provide separate registers for each precinct.

(4) Precinct registers need not be printed if the election will not be held.""

Insert: "Section 10. Section 13-2-122, MCA, is amended to read:

"13-2-122. Charges for registers, elector lists, and mailing labels made available to public. (1) Except as provided in ~~subsections~~ subsection (2) ~~and (3)~~, upon written request, the ~~registrar~~ secretary of state or a local election administrator shall furnish to any elector, for noncommercial use, a copy of the official precinct registers, a current list of legally registered electors, or mailing labels for registered electors. Upon delivery, the ~~registrar~~ secretary of state or the local election administrator may collect a charge not to exceed the actual cost of the register, list, or mailing labels.

~~(2) If the registrar receives in writing from a law enforcement officer or reserve officer, as defined in 7-32-201, a request that, for security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's, not be disclosed, the registrar may not include the address on any register, list, or mailing labels disseminated pursuant to subsection (1).~~

~~(3)~~(2) ~~An~~ For an elector whose address information is protected from general distribution under 13-2-115(5) or (6), the secretary of state or a local election administrator may not include ~~an individual's~~ the elector's residential address on any register, list, or mailing labels but ~~shall~~ may list only the elector's name ~~or names if the individual requests that the~~

~~individual's address not be used and the individual proves to the election administrator those matters described in 13-2-115(7)(a)(i) or (7)(a)(ii).""~~

Insert: "Section 11. Section 13-2-123, MCA, is amended to read:

"13-2-123. Election administrator to provide list of electors to secretary of state. (1) The election administrator in each county shall provide to the secretary of state ~~a list by precinct of all registered electors in the county. The list must include~~ the following information, when possible, for each elector:

(a) name;

(b) mailing address;

(c) precinct number;

~~(d) registration number assigned by the county election administrator pursuant to 13-2-114;~~

~~(e)~~(d) residence address;

~~(f)~~(e) telephone number;

(f) driver's license number or last four digits of the elector's social security number;

~~(g)~~(g) date of birth;

~~(h)~~(h) gender;

~~(i)~~(i) legislative house district;

~~(j)~~(j) date of registration; ~~and~~

~~(k)~~(k) whether the elector's name is on the active or inactive list of electors; and

(l) whether the elector is a legally registered elector or a provisionally registered elector.

(2) The information must be provided in accordance with rules adopted under [section 5].

~~(2) (a) Except as provided in subsection (2)(b), the list provided pursuant to subsection (1) must be a paper copy.~~

~~(b) If the county election administrator also maintains the information in other media, such as on a computer disk or tape, and the secretary of state requests the information in that media, the county election administrator shall also provide the list in that media.~~

~~(3) In odd-numbered years, the list of electors required by subsection (1) must be delivered to the secretary of state by December 15.~~

~~(4) In even-numbered years, the list of electors required by subsection (1) must be delivered to the secretary of state:~~

~~(a) for a primary election, no later than July 1, and the list must indicate any changes made up to and including the date of the June primary; and~~

~~(b) for a general or special election, 30 days prior to the close of registration before the election.~~

~~(5) Each election administrator may provide the secretary of state with a supplemental list of electors in even-numbered years, giving the additions, deletions, and changes made between the time that the previous list was compiled and the close of~~

~~registration.~~"
"

Insert: "Section 12. Section 13-2-205, MCA, is amended to read:

"13-2-205. Procedure when prospective elector not qualified at time of registration. An individual who is not eligible to register because of residence or age requirements but who will be eligible on or before election day may ~~register if it appears that he will become qualified to vote by election day~~ apply for voter registration pursuant to [section 7] and be registered subject to verification procedures established pursuant to [section 6]."""

Insert: "Section 13. Section 13-2-220, MCA, is amended to read:

"13-2-220. Maintenance of active and inactive voter registration ~~rolls~~ lists for elections -- rules by secretary of state. (1) The rules adopted by the secretary of state ~~shall adopt rules specifying a list of procedures from which an election administrator shall choose at least one procedure for the maintenance of accurate voter registration rolls for use in elections.~~

~~(2) The procedures specified by the secretary of state~~ under [section 5] must include the following procedures, which an election administrator shall follow in every odd-numbered year:

(a) compare the entire list of registered electors against the national change of address files and provide appropriate confirmation notice to those individuals whose addresses have apparently changed;

(b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to all registered electors of each jurisdiction to confirm their addresses and provide the appropriate confirmation notice to those individuals who return the notices;

(c) mail a targeted mailing to electors who ~~have~~ failed to vote in the preceding federal general election by:

(i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable confirmation notice to those electors who appear to have moved from their addresses of record;

(ii) comparing the list of nonvoters against the national change of address files, followed by the appropriate confirmation notices to those electors who appear to have moved from their addresses of record;

(iii) sending forwardable confirmation notices; or

(iv) making a door-to-door canvass.

~~(3)~~(2) Any notices returned to the election administrator after using the procedures provided in subsection ~~(2)~~ (1) must be followed by an appropriate confirmation notice that is a forwardable, first-class, postage-paid, self-addressed, return

notice. If the elector fails to respond within 30 days of the confirmation notice, the election administrator shall move the elector to the inactive list.

~~(4)~~(3) A procedure used by an election administrator pursuant to this section must be completed at least 90 days before a primary or general election for federal office.""

Insert: "Section 14. Section 13-2-402, MCA, is amended to read:

"13-2-402. Reasons for cancellation. The election administrator shall cancel the registration of an elector:

(1) at the written request of the registered elector;

(2) if a certificate of the death of the elector is filed or if the elector is reported as deceased by the department of public health and human services in the department's reports submitted to the county under 50-15-409;

(3) if the elector is of unsound mind as established by a court;

(4) if the incarceration of the elector in a penal institution for a felony conviction is legally established;

(5) if a certified copy of a court order directing the cancellation is filed with the election administrator;

(6) if the elector is successfully challenged and not allowed to vote at an election upon determination of an election judge;

(7) if a notice is received from the secretary of state or from another county or state that the elector has registered in ~~that~~ another county or state; or

(8) if the elector fails to respond to certain confirmation mailings and fails to vote in two consecutive federal general elections.""

Insert: "Section 15. Section 13-2-513, MCA, is amended to read:

"13-2-513. Procedure for transferring registration. ~~The~~ Subject to the rules adopted under [section 5], the election administrator shall make the necessary corrections in the registration records ~~in his office~~ when ~~he~~ the election administrator receives a transfer form or corrected registration form ~~if he is satisfied the form is valid~~. ~~The original registration form may be fastened to the back of the new form, in which case the original and current forms must be retained, or the original registration form may be marked "canceled" and filed in a canceled file.~~""

Insert: "Section 16. Section 13-2-514, MCA, is amended to read:

"13-2-514. Change of residence to another county. (1) An elector who changes ~~his~~ residence to a different county within this state ~~must~~ shall register in ~~his~~ the new county of residence in order to vote in any election unless the change occurs less

than 45 days before the election.

(2) An elector who changes ~~his~~ residence to a different county 45 days or less before an election may vote in person or by absentee ballot in the precinct and county where previously registered.

~~(3) The elector must state his correct name and residence address and date of residence change when offering to vote or when applying for an absentee ballot. The election administrator shall note the information on the elector's registration form if an absentee ballot application is received. The election judges shall note the change of address and date of residence change in the precinct register if the elector votes in person.~~

~~(4)~~(3) The registration information of an elector who votes under the provisions of subsection (2) ~~of this section shall be canceled~~ must be updated in the statewide voter registration list after the election pursuant to rules adopted under [section 5].""

Insert: "Section 17. Section 13-2-601, MCA, is amended to read:

"13-2-601. ~~Name on~~ Special addendum to precinct register ~~prima facie evidence of right to vote.~~ ~~(1) An elector may not vote at an election mentioned in this title unless his name appears on election day in the copy of the official precinct register furnished by the election administrator to the election judges. The fact that his name appears in the copy of the precinct register is prima facie evidence of his right to vote.~~

~~(2)~~ The name of an elector who has been assigned to vote in a precinct other than the precinct in which ~~he~~ the person is registered, as provided in 13-3-213, must be printed on a special addendum to the precinct register in a form prescribed by the secretary of state. ~~The fact that an elector's name appears on a special addendum to the precinct register is prima facie evidence of his right to vote in the precinct.~~""

Insert: "Section 18. Section 13-10-201, MCA, is amended to read:

"13-10-201. Declaration for nomination. (1) Each candidate in the primary election, except nonpartisan candidates filing under the provisions of chapter 14, shall send a declaration for nomination to the secretary of state or election administrator. A candidate may not file for more than one office. Each candidate for governor shall send a joint declaration for nomination with a candidate for lieutenant governor.

(2) A declaration for nomination must be filed in the office of:

(a) the secretary of state for placement of a name on the ballot for the presidential preference primary, a congressional office, a state or district office to be voted for in more than one county, a member of the legislature, or a judge of the district court;

(b) the election administrator for a county, municipal, precinct, or district office (other than a member of the legislature or judge of the district court) to be voted for in

only one county.

(3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an indigent candidate, send with it the documents required by 13-10-203. The declaration for nomination must be acknowledged by an officer empowered to acknowledge signatures or by the officer of the office at which the filing is made.

(4) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by the elector's party.

(5) (a) The declaration for nomination must be in the form and contain the information prescribed by the secretary of state.

(b) A person seeking nomination to the legislature shall provide the secretary of state with a street address, legal description, or road designation to indicate the person's place of residence. If a candidate for the legislature changes residence, the candidate shall, within 15 days after the change, notify the secretary of state on a form prescribed by the secretary of state.

(c) The secretary of state and election administrator shall furnish declaration for nomination forms to individuals requesting them.

(6) Declarations for nomination must be filed no sooner than 135 days before the election in which the office first appears on the ballot and no later than 5 p.m., 75 days before the date of the primary election.

(7) A declaration for nomination form may be sent by facsimile transmission, if a facsimile facility is available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the election administrator or to the secretary of state.""

Insert: "Section 19. Section 13-10-211, MCA, is amended to read:

"13-10-211. Declaration of intent for write-in candidates. (1) Except as provided in subsection (5), a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. The declaration of intent must be filed with the secretary of state or election administrator, depending on where a declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district clerk for a school district office. Except as provided in subsections (2) and (3), the declaration must be filed no later than 5 p.m. on the 15th day before the election and must contain:

(a) (i) the candidate's first and last names;

(ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the candidate's last name;

(iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and

(iv) a derivative or diminutive name, if any, used instead

of a first name, and the candidate's last name;

(b) the candidate's mailing address;

(c) a statement declaring the candidate's intention to be a write-in candidate;

(d) the title of the office sought;

(e) the date of the election;

(f) the date of the declaration; and

(g) the candidate's signature.

(2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office that the write-in candidate is seeking:

(a) dies;

(b) withdraws from the election; or

(c) is charged with a felony offense.

(3) A person seeking to become a write-in candidate for a trustee position on a school board shall file a declaration of intent no later than 5 p.m. on the 26th day before the election.

(4) The secretary of state shall notify each election administrator of the names of write-in candidates who have filed a declaration of intent with the secretary of state. Each election administrator and school district clerk shall notify the election judges in the county or district of the names of write-in candidates who have filed a declaration of intent.

(5) The requirements in subsection (1) do not apply to a write-in candidate seeking election to an office for which a candidate has not filed a declaration or petition for nomination or a declaration of intent.

(6) A declaration of intent may be sent by facsimile transmission, if a facsimile facility is available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the election administrator or to the secretary of state.

(7) A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the secretary of state or the election administrator."

Insert: "Section 20. Section 13-13-112, MCA, is amended to read:

"13-13-112. Display of instructions for electors. (1) Instructions for electors on how to prepare their ballots or use machines or devices must be posted in each compartment provided for the preparation of ballots and elsewhere in the polling place.

(2) The instructions must be in easily read type, 18 point or larger, and explain ~~how to~~:

(a) how to obtain ballots for voting;

(b) how to prepare ballots for deposit in the ballot box; ~~and~~

(c) how to obtain a new ballot in place of one spoiled by accident;

(d) how to vote provisionally pursuant to [section 22];
(e) the election date and the hours the polls are open; and
(f) instructions for first-time voters who registered by mail.

(3) If the instructions for use of the machine or device are printed on the machine or device or are part of a ballot package given to each elector, separate instructions need not be posted in the compartment.

(4) Official ballots for the precinct, clearly marked "sample" across the face, ~~shall~~ must be posted in each booth or compartment and in conspicuous places about the polling place in all precincts where paper ballots are used. Diagrams showing the arrangement of the ballot for that precinct ~~shall~~ must be posted in conspicuous places ~~about~~ in the polling place in all precincts using machines or devices.""

Insert: "Section 21. Section 13-13-114, MCA, is amended to read:

"13-13-114. ~~Marking~~ Voter identification and marking precinct register book before elector votes -- provisional voting. (1) (a) Before an elector is permitted to receive a ballot or vote, ~~he shall sign his name on the place designated in the precinct register. Before signing the register, the elector shall state his~~ the elector shall present to an election judge a current photo identification showing the elector's name and current address. If the elector does not present photo identification or if the name or address shown on the identification is not the same as listed in the precinct register, the elector shall present a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address.

(b) If an election judge determines the information provided is sufficient to verify the voter's identity and eligibility to vote, the elector ~~must~~ may sign the precinct register, complete a transfer form or new registration form to correct the elector's voter registration information, and vote.

(c) ~~The~~ An election ~~judges~~ judge shall write "transfer form" or "registration form" beside the name of any elector submitting a form. ~~No elector may sign the precinct register unless his name and address are the same as shown in the register or the proper corrections have been made.~~

(2) If the information presented under subsection (1) is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot as provided in [section 22].

~~(2)~~(3) If the elector is not able to sign ~~his~~ the elector's name to the precinct register, a fingerprint or other identifying mark may be used.

~~(3)~~(4) If the elector fails or refuses to sign ~~his~~ the elector's name or, if unable to write, fails to provide a fingerprint or other identifying mark, ~~he~~ the elector may ~~not~~

~~vote~~ cast a provisional ballot as provided in [section 22].""

Insert: "NEW SECTION. **Section 22. Provisional voting in person.** (1) Before being given a ballot, an elector casting a provisional ballot:

(a) must be given information, in a form prescribed by the secretary of state, explaining how to vote provisionally, what information must be provided by the elector to verify the elector's eligibility, and how to determine whether the elector's provisional ballot is or is not counted and, if not, the reasons why;

(b) shall sign an affirmation in a form prescribed by the secretary of state swearing that, to the best of the elector's knowledge, the elector is eligible to vote in the election and precinct and is aware of the penalty for false swearing; and

(c) shall cast and return the provisional ballot to an election judge, who shall place the ballot into an envelope prescribed by the secretary of state for provisional ballots.

(2) A provisional ballot must be handled as provided in [section 35].

(3) An elector making a false affirmation under this section is subject to the penalty for false swearing provided in 45-7-202."

Insert: "NEW SECTION. **Section 23. Fail-safe and provisional voting by mail.** (1) To ensure the election administrator has information sufficient to determine the elector's eligibility to vote, an elector voting by mail may enclose in the outer return envelope, together with the voted ballot in the secrecy envelope, a copy of a current and valid photo identification with the elector's name and current address. If the elector's name or address on the photo identification is not current, the elector shall also enclose a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address.

(2) If a provisionally registered elector voting by mail does not enclose with the ballot the information described in subsection (1), if the information provided under subsection (1) is invalid or insufficient to verify the elector's eligibility, or if the elector's name does not appear on the precinct register, the elector's ballot must be handled as a provisional ballot under [section 35]."

Insert: "NEW SECTION. **Section 24. Rulemaking on provisional voting, absentee ballots, and challenged ballots.** (1) The secretary of state shall adopt rules to:

(a) implement the provisions of 13-13-114 and [sections 22

through 24] concerning verification of voter identification and eligibility;

(b) establish standards for determining the sufficiency of information provided on absentee ballot return envelopes pursuant to 13-13-241;

(c) implement the provisions of [section 35] on the handling and counting of provisional and challenged ballots, including the establishment of procedures for verifying voter registration and eligibility information with respect to the ballots.

(2) The rules may not conflict with rules established under [section 6]."

Insert: "Section 25. Section 13-13-201, MCA, is amended to read:

"13-13-201. Voting by absentee ballot -- procedures. (1) A ~~qualified~~ legally registered elector or provisionally registered elector is entitled to vote by absentee ballot as provided for in this part.

(2) The elector may vote the absentee ballot by:

(a) marking the ballot in the manner specified;

(b) placing the marked ballot in the secrecy envelope, free of any identifying marks;

(c) placing the secrecy envelope containing one ballot for each election being held in the return and verification envelope;

(d) executing the affidavit printed on the return and verification envelope; and

(e) returning the return and verification envelope with the secrecy envelope containing the ballot or ballots enclosed, as provided in 13-13-221.

(3) (a) The elector may also enclose in the outer return envelope a copy of the elector's photo identification showing the elector's name and address. If the elector does not enclose a photo identification or if the elector's name or address on the photo identification is not current, the elector shall also enclose a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address.

(b) If the elector fails to provide the information required under subsection (3)(a) or the information provided is insufficient to verify the elector's identity and eligibility, the elector's ballot must be handled as a provisional ballot.""

Insert: "Section 26. Section 13-13-204, MCA, is amended to read:

"13-13-204. Authority to vote in person -- printing error or ballot destroyed -- failure to receive ballot -- effect of absentee elector's death. (1) If an elector has voted by absentee ballot but the absentee ballot contains printing errors or omissions, except that the name of a candidate who has died since the printing of the ballot and that appears on the ballot does

not constitute an error or omission, the elector may vote in person in any manner at the elector's polling place.

(2) If an elector does not receive an absentee ballot or if the absentee ballot was destroyed, the elector may appear at the appropriate polling place on election day and vote in person after signing an affidavit, in the form prescribed by the secretary of state, swearing that the elector's ballot has not been received or was destroyed. ~~Before the ballot is given to the elector, the election judge shall write upon the back of the ballot the number of the ballot. The ballot may be cast out if it appears to the court to have been wrongfully or illegally voted.~~ The ballot must be handled as a provisional ballot under [section 35].

(3) If an elector votes by absentee ballot and dies between the time of balloting and election day, the deceased elector's ballot does not count.""

Insert: "Section 27. Section 13-13-205, MCA, is amended to read:

"13-13-205. When ballots to be available. (1) The election administrator shall ensure that ballots are printed and available for absentee voting at least ~~45~~ 30 days prior to an election for those elections held in compliance with 13-1-104(1) and 13-1-107(1).

(2) For elections held in compliance with 13-1-104(2) and (3) and 13-1-107(2), the election administrator shall ensure that ballots are printed and available for absentee voting at least 20 days prior to an election.""

Insert: "Section 28. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot -- special provisions. (1) An elector may apply for an absentee ballot by making a written request, which must include the applicant's birth date and must be signed by the applicant~~.~~. The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

(2) An elector in the United States service absent from the state and county in which the elector is registered may apply for an absentee ballot as follows:

(a) as provided in subsection (1);

(b) by using the federal postcard application signed by the applicant and made within the time period specified in 13-13-211; or

(c) if eligible, by using the federal write-in ballot as provided in 13-13-271(3).

(3) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the

special absentee election board provided for in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under this subsection (3) must be received by the election administrator by noon on election day.

(4) An elector who has made a request for an absentee ballot by one of the methods provided in this section may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election administrator."

Insert: "Section 29. Section 13-13-213, MCA, is amended to read:

"13-13-213. Transmission of application to election administrator -- delivery of ballot. (1) Except as provided in subsection (2), the elector shall ~~forward the application by~~ mail the application directly to the election administrator or deliver ~~it~~ the application in person to the election administrator. The election administrator shall compare the signature on the application with the applicant's signature on the registration card. If convinced the individual making the application is the same as the one whose name appears on the registration card, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214.

(2) In lieu of the requirement provided in subsection (1), an elector who requests an absentee ballot pursuant to 13-13-212(3) may return the application to the special absentee election board. Upon receipt of the application, the special absentee election board shall examine the signatures on the application and a copy of the voting registration card to be provided by the election administrator. If the special absentee election board believes that the applicant is the same person as the one whose name appears on the registration card, the special absentee election board shall provide a ballot to the elector."

Insert: "Section 30. Section 13-13-214, MCA, is amended to read:

"13-13-214. Mailing ballot to elector. (1) (a) Except as provided in 13-13-213 and in subsection (1)(b) of this section, as soon as the official ballots are printed, the election administrator shall send by mail, postage prepaid, to each legally registered elector and provisionally registered elector from whom the election administrator has received a valid absentee ballot application whatever official ballots are necessary. Ballots must be sent immediately ~~to electors submitting valid requests~~ after the official ballots are printed.

(b) The election administrator may deliver a ballot in person to an individual other than the elector if:

(i) the elector has designated the individual, either by a

signed letter or by making the designation on the application form in a manner prescribed by the secretary of state;

(ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the ballot;

(iii) the election administrator believes that the individual receiving the ballot is the designated person; and

(iv) the designated person has not previously picked up ballots for four other electors.

(2) The election administrator shall enclose with the ballots:

(a) a secrecy envelope, free of any marks that would identify the voter; and

(b) a self-addressed envelope for the return of the ballots. An affirmation in the form prescribed by the secretary of state must be printed on the back of the envelope.

(3) The election administrator shall stamp the ballots provided to an absentee elector, as provided in 13-13-116, and remove the stubs from the ballots, attaching the stubs to the elector's absentee ballot application.

(4) Both the envelope in which the ballot is mailed to an elector in the United States service and the return envelope must have printed across the face the information and graphics and be of the color prescribed by the secretary of state consistent with the regulations established by the federal election commission, the U.S. postal service, or other federal agency.

(5) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way so that it can be identified as being used by any one elector.

(6) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must include use of the envelope for unvoted ballots. The instructions must include information concerning the type or types of writing instruments that may be used to mark the absentee ballot. The instructions must include information regarding use of the secrecy envelope and use of the return and verification envelope. The election administrator shall include a voter information pamphlet with the instructions if:

(a) a statewide ballot issue appears on the ballot mailed to the elector; and

(b) ~~the elector is out of the state or will be out of the state at the time of the election; and~~

~~(c)~~ the elector requests a voter information pamphlet.

(7) The return envelope must be self-addressed to the election administrator."

Insert: "Section 31. Section 13-13-241, MCA, is amended to read:

"13-13-241. Examination of absentee ballot return envelopes and affirmations while polls open -- deposit of absentee and

unvoted ballots. (1) (a) While the polls are open, the election judges may compare the signature of the elector on the absentee ballot request ~~and affirmation~~ with the signature on the absentee ballot return envelope. ~~If they find that the signatures correspond, that the affirmation is sufficient, and that the absentee elector is qualified, they may open the absentee ballot return envelope~~ Except as provided in subsection (2), after comparing the signatures, the election judges shall determine whether the elector's voter identification information enclosed pursuant to 13-13-201 is sufficient pursuant to rules adopted under [section 6].

(b) A ballot cast by an elector who provided sufficient information must be handled as provided in subsections (3) and (4). A ballot cast by an elector whose voter information is insufficient or whose name does not appear on the precinct register must be handled as a provisional ballot under [section 35].

(2) If the ~~absentee ballot does not meet the requirements specified in subsection (1)~~ signature on the absentee ballot return envelope does not match the signature on the absentee ballot request form, ~~it~~ the absentee ballot must be rejected. The election judges, without opening the absentee ballot return envelope, shall mark across it the reason for rejection and a majority of the judges shall sign their initials. Unopened rejected absentee ballot return envelopes must be handled in the same manner as provided for rejected ballots in 13-13-243.

(3) After opening the absentee ballot return envelope and without opening the secrecy envelope, they shall place the secrecy envelope in the proper ballot box. In a primary election, the unvoted ballots must be deposited in the unvoted ballot box without being removed from their enclosure envelopes.

(4) After opening the absentee ballot return envelope and if the ballot has not been placed in the secrecy envelope, without unfolding the ballot or permitting it to be examined, the election judges shall place the ballot in the secrecy envelope and place the secrecy envelope in the proper ballot box.""

Insert: "Section 32. Section 13-13-301, MCA, is amended to read:

"13-13-301. Challenges on election day. (1) An elector's right to vote may be challenged on election day by any registered elector by orally stating to the election judges the grounds of the challenge.

(2) An individual offering to vote may be orally challenged by any elector of the county upon the following grounds:

(a) ~~that he is not the individual whose name appears on the register;~~

~~(b) that he does not reside at the residence listed unless the elector is voting under the provisions of 13-2-512 and 13-2-514;~~

~~(c)~~ that ~~he~~ the elector is of unsound mind, as determined

by a court;

~~(d)~~ (b) that ~~he~~ the elector has voted before in that election; or

~~(e)~~ (c) that ~~he~~ the elector has been convicted of a felony and is serving a sentence in a penal institution.

(3) An elector challenged under this section may cast a provisional ballot, which must be handled as a provisional ballot under [section 35]."""

Insert: "Section 33. Section 13-14-112, MCA, is amended to read:

"13-14-112. Declarations for nomination -- fee. (1) Nonpartisan candidates shall file declarations for nomination as required by the primary election laws in a form prescribed by the secretary of state except as provided in 13-14-113. A candidate may not file for more than one office.

(2) Declarations may not indicate political affiliation. The candidate may not state in ~~his~~ the declaration any principles or measures ~~he~~ that the candidate advocates or any slogans.

(3) Each individual filing a declaration shall pay the fee prescribed by law for the position ~~he~~ that the individual seeks.

(4) Declarations ~~shall~~ must be filed in the office of the secretary of state or the appropriate election administrator as provided in 13-10-201. Time of filing ~~shall~~ must be the same as provided in 13-10-201.""

Insert: "Section 34. Section 13-14-113, MCA, is amended to read:

"13-14-113. Filing for offices without salary or fees. (1) Candidates for nonpartisan offices for which ~~no~~ a salary or fees are not paid shall file with the appropriate official a petition for nomination containing the same information and the oath of the candidate required for a declaration of nomination in a form prescribed by the secretary of state.

(2) The petition must contain the signatures of registered electors of the election district in which the office will be on the ballot. The number of signatures must be equal to 5% of the total vote cast for the successful candidate for that office at the last general election, but ~~in no case~~ may ~~it~~ not be less than five signatures.

(3) The number of signatures necessary for a petition for nomination for an office not previously on the ballot or for which the election district boundaries have changed since the last general election ~~shall~~ must be determined by the secretary of state.

(4) Petitions for nomination ~~shall~~ must be filed at the same time provided in 13-10-201 for other candidates and offices.

(5) A candidate may not file for more than one office.""

Insert: "NEW SECTION. Section 35. Handling and counting provisional and challenged ballots. (1) Before 5 p.m. on the day

after an election, an elector who cast a provisional ballot may provide information to the election administrator to verify the elector's eligibility to vote.

(2) A provisional ballot must be counted if the election administrator verifies the elector's eligibility pursuant to rules adopted under [section 23]. However, a provisional ballot may not be counted if the election administrator cannot verify the elector's eligibility under the rules.

(3) The election administrator shall provide an elector who cast a provisional ballot but whose ballot was not counted with the reasons why the ballot was not counted.

(4) A provisional ballot cast by an electors whose voter information is verified before 5 p.m. on the day after the election must be removed from its provisional envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot."

Insert: "Section 36. Section 13-15-111, MCA, is amended to read:

"13-15-111. Write-in elections -- general election. (1) An individual elected by having ~~his~~ the individual's name written in at the general election and receiving the largest number of votes shall:

(a) file with the secretary of state or election administrator, not later than 10 days after the official canvass, a written declaration indicating ~~his~~ the individual's acceptance of the position for which ~~he was~~ elected;

(b) comply with the provisions of 13-37-225; and

(c) pay the required filing fee or, if indigent, comply with 13-10-203.

(2) If an individual fails to ~~file the declaration as required under~~ comply with the requirements in subsection (1)~~(a)~~, ~~he~~ the individual may not assume the position for which ~~he was~~ elected."

Insert: "Section 37. Section 13-15-401, MCA, is amended to read:

"13-15-401. Governing body as board of county canvassers. (1) The governing body of a county or consolidated local government is ex officio a board of county canvassers and shall meet as the board of county canvassers at the usual place of meeting of the governing body within 3 to 7 days after each election, at a time determined by the board, to canvass the returns.

(2) If one or more of the members of the governing body cannot attend the meeting, the member's place must be filled by one or more county officers chosen by the remaining members of the governing body so that the board of county canvassers' membership equals the membership of the governing body.

(3) The governing body of any political subdivision in the county that participated in the election may join with the

governing body of the county or consolidated local government in canvassing the votes cast at the election.

(4) The election administrator is secretary of the board of county canvassers and shall keep minutes of the meeting of the board and file them in the official records of the administrator's office."

"

Insert: "Section 38. Section 13-15-402, MCA, is amended to read:

"13-15-402. Canvass of votes by board -- procedures if all returns not received by time of canvass. (1) If all returns are in at the time of the meeting, the board of county canvassers shall immediately canvass the returns.

(2) If all returns are not received, the board shall postpone the canvass from day to day until all returns are received.

(3) If the returns from an election precinct have not been received by the election administrator within 3 to 7 days after an election, ~~he~~ the election administrator shall immediately advise the chief election judge.

(4) If it appears to the board that the polls were not open in a precinct, the board shall certify this to the election administrator. The election administrator shall enter the certification in the minutes and in the record required by 13-15-404.""

Insert: "Section 39. Section 13-19-313, MCA, is amended to read:

"13-19-313. Notice to elector -- opportunity to resolve questions. (1) As soon as possible after receipt of an elector's return/verification envelope, the election administrator shall give notice to the elector, either by telephone or by first-class mail, if the election administrator:

(a) is unable to verify the elector's signature under 13-19-310; or

(b) has discovered a procedural mistake made by the elector that would invalidate the elector's ballot under 13-19-311.

(2) The election administrator shall inform the elector that the elector may appear in person at the election administrator's office prior to 8 p.m. on election day and verify the signature or correct the mistake.

(3) Any elector appearing pursuant to subsection (2) must be permitted to:

(a) verify the elector's signature, after proof of identification, by affirming that the signature is in fact the elector's or by completing a new registration card containing the elector's current signature;

(b) correct any minor mistake if the correction would render the ballot valid; or

(c) if necessary, request and receive a replacement ballot

and vote it at that time.

(4) If a mail ballot is returned, the election administrator shall investigate the reason for the return and mail a confirmation notice ~~provided for in 13-2-207~~. ~~However, the~~ The notice must be sent by forwardable, first-class mail with a postage-paid, return-addressed notice. If the confirmation notice is returned to the election administrator, the elector must be placed on an inactive list until that elector becomes a qualified elector.""

Insert: "Section 40. Section 13-22-107, MCA, is amended to read:

"13-22-107. Funding. (1) ~~Public~~ Except for compensation for time spent by employees of the secretary of state and the superintendent of public instruction, public money may not be used to support or fund the youth voting program established in this chapter.

(2) A nonprofit corporation may be formed subject to the provisions of Title 35, chapter 2, to solicit donations from private sources. Money solicited under this subsection must be used only for the youth voting program.""

Insert: "Section 41. Section 13-27-410, MCA, is amended to read:

"13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 110 days before the election at which they will be submitted. The requisition must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to each voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 45 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county who is on the active voter list, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing label may include an address line that

addresses the voter or the current resident. The mailing must take place no later than ~~2 weeks~~ 30 days before the election.

(5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues."

Insert: "Section 42. Section 13-37-250, MCA, is amended to read:

"13-37-250. Voluntary spending limits. (1) (a) The following statement may be used in printed matter and in broadcast advertisements and may appear in the voter information pamphlet prepared by the secretary of state: "According to the Office of the Commissioner of Political Practices, ... is in compliance with the voluntary expenditure limits established under Montana law."

(b) The treasurer of each political committee, as defined in 13-1-101~~(18)(b)~~(19)(b), who files a certification on a ballot issue pursuant to 13-37-201 may also file with the commissioner a sworn statement that the committee will not exceed the voluntary expenditure limits of this section. If a sworn statement is made, it must be filed with the commissioner within 30 days of the certification of the political committee.

(c) A political committee that has not filed a sworn statement with the commissioner may not distribute any printed matter or pay for any broadcast claiming to be in compliance with the voluntary expenditure limits of this section.

(d) A political committee may not use evidence of compliance with the voluntary expenditure limits of this section to imply to the public that the committee has received endorsement or approval by the state of Montana.

(2) For the purposes of this section, the expenditures made by a political committee consist of the aggregate total of the following during the calendar year:

(a) all committee loans or expenditures made by check or cash; and

(b) the dollar value of all in-kind contributions made or received by the committee.

(3) In order to be identified as a political committee in compliance with the voluntary expenditure limits of this section, the committee's expenditures, as described in subsection (2), may not exceed $150,000.

(4) A political committee that files with the commissioner a sworn statement to abide by the voluntary expenditure limits of this section but that exceeds those limits shall pay a fine of $5,000 to the commissioner. This money must be deposited in a separate fund to be used to support the enforcement programs of the office of the commissioner.""

Insert: "NEW SECTION. **Section 43. Repealer.** Sections 13-2-112, 13-2-114, 13-2-202, 13-2-203, 13-2-207, 13-2-219, 13-2-403,

13-2-404, 13-2-515, 13-2-603, 13-13-304, 13-13-305, 13-13-306, 13-13-307, 13-13-309, 13-13-310, and 13-13-311, MCA, are repealed."

Insert: "NEW SECTION. **Section 44. Codification instruction.** (1) [Sections 4 through 7] are intended to be codified as an integral part of Title 13, chapter 2, part 1, and the provisions of Title 13, chapter 2, part 1, apply to [sections 4 through 7].

(2) [Sections 22 through 24] are intended to be codified as an integral part of Title 13, chapter 13, and the provisions of Title 13, chapter 13, apply to [sections 22 through 24].

(3) [Section 35] is intended to be codified as an integral part of Title 13, chapter 15, part 1, and the provisions of Title 13, chapter 15, part 1, apply to [section 35]."

- END -

HB 190 SPONSOR: Younkin, Cindy SHORT TITLE: Revise certain election laws
BY REQUEST OF: Secretary Of State
REFERRED ON: 02/24/2003 HEARD ON: 03/12/2003
EXECUTIVE ACTION: 03/20/2003 -Bill Concurred as Amended -- VOTE: 3 - 2
FINAL DISPOSITION: 03/25/2003 (S) Returned to House with Amendments

HB 194 SPONSOR: Barrett, Debby SHORT TITLE: Reorganize business services bureau of secretary of state's office
BY REQUEST OF: Secretary Of State
REFERRED ON: 02/24/2003 HEARD ON: 03/05/2003
EXECUTIVE ACTION: 03/06/2003 -Bill Concurred -- VOTE: 5 - 0
FINAL DISPOSITION: 03/19/2003 Chapter Number Assigned

HB 198 SPONSOR: Lambert, Carol SHORT TITLE: Clarify requirements for ballot language
REFERRED ON: 02/22/2003 HEARD ON: 03/07/2003
EXECUTIVE ACTION: 03/10/2003 -Bill Concurred -- VOTE: 4 - 0
FINAL DISPOSITION: 03/26/2003 Chapter Number Assigned

HB 201 SPONSOR: Jent, Larry SHORT TITLE: Montana absent uniformed services and overseas elector voting act
BY REQUEST OF: Secretary Of State
REFERRED ON: 02/24/2003 HEARD ON: 03/12/2003
HEARD ON: 03/19/2003
EXECUTIVE ACTION: 03/20/2003 -Bill Concurred -- VOTE: 4 - 0
FINAL DISPOSITION: 04/11/2003 (H) Free Conference Committee Report Received; in (H) Free Conference

HB 203 SPONSOR: Olson, Alan SHORT TITLE: Revise and clarify initiative process
BY REQUEST OF: Secretary Of State
REFERRED ON: 02/22/2003 HEARD ON: 03/07/2003
EXECUTIVE ACTION: 04/01/2003 -Bill Concurred as Amended -- VOTE: 5 - 0
FINAL DISPOSITION: 04/09/2003 (H) Sent to Enrolling

HB 213 SPONSOR: Gallik, Dave SHORT TITLE: Housekeeping bill for retirement systems administered by MPERA
BY REQUEST OF: Public Employees' Retirement Board
REFERRED ON: 02/04/2003 HEARD ON: 02/07/2003
EXECUTIVE ACTION: 04/01/2003 -Bill Concurred as Amended -- VOTE: 5 - 0
FINAL DISPOSITION: 04/09/2003 (H) Sent to Enrolling

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **SEN. MIKE WHEAT**, on March 12, 2003 at 3:07 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:
Sen. John Cobb, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Kelly Gebhardt (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Lisa Gallagher, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

Committee Business Summary:
Hearing & Date Posted: HB 563, 3/6/2003; HB 190, 2/24/2003
Executive Action: None.

DILLON ARMORY LAND TRANSFER

{Tape: 1; Side: A; Approx. Time Counter: 0.8 - 3.9}

Opening by Sponsor:

Jeanne Holmgren, DNRC, asked the Committee if there was any comments that they would like to make that she could take to the land board in regard to the Dillon Armory land transfer. She handed out to the Committee Section 77-2-351 of the Montana Code Annotated.
EXHIBIT(sts52a01)

RESCHEDULE HEARINGS FOR HB 201 and HB 548

CHAIRMAN WHEAT announced that hearings for HB 201 and HB 548 would be rescheduled for March 19 at 3:00 p.m., room 335 due to time constraints today.

HEARING ON HB 190

Sponsor: REPRESENTATIVE CINDY YOUNKIN, HD 28, Bozeman

Opening Statement by Sponsor:

{Tape: 2; Side: A; Approx. Time Counter: 9.4 - 22}

REP. YOUNKIN submitted her written testimony.
EXHIBIT(sts52a03)

REP. YOUNKIN also explained to the Committee an amendment to HB 190.
EXHIBIT(sts52a04)

REP. YOUNKIN read a letter from Gallatin County.
EXHIBIT(sts52a05)

Proponents' Testimony:

Bob Brown, Secretary of the State, said that this bill helps the disabled people vote. An ID requirement will be applied uniformly and there is a provision in this bill from the provisional voter. If a person forgets their ID they will be able to vote and their ballot will be held onto until they return with an ID. They have 24 hours to provide an ID if they want their ballot to be counted. Voter information will be provided 30 days ahead of time instead of two weeks, and this will benefit the absentee voter because they will have their information and ballot at the same time.

Janice Doggett, Chief Legal Counsel for Secretary of State's Office, explained to the Committee a hand out on the Help American Vote Act of 2002.
EXHIBIT(sts52a06)

{Tape: 2; Side: B; Approx. Time Counter: 1.5 - 3.4}

Robert Throssell, Montana Association of Clerk and Recorders, said that this bill protects the integrity of the process. This bill meets the HAVA requirements and we need to do this because it is impossible to run two elections in the state.

Harold Blattie, MACO, said that this bill imposes the rules set by HAVA and they are good rules.

Tom Figarelle, Forward Montana, said that it is very important that everyone show ID, so no one is singled out. Another important part of this bill is the provisional ballots. And the last important part is the 30-day period. The voter will receive information and the ballot and the same time and the voter will be educated and informed to make a good vote, especially the young people.

Sharon Tenney, Cascade County, said that they are in support of HB 190 because we need the federal funding.

Don Hargrove, Gallatin County, said that this bill promotes understanding and will save money.

Vickie Zeier, Missoula County, said that the ID requirement is good because most election judges only work three elections a year, and no one will be singled out. There will be a huge affect on the youth if you single them out. She handed out to the Committee a sample of a voter ID card.
EXHIBIT(sts52a07)

Will Hammerquist, ASMSU, said that they are in support of this bill because we need to comply with HAVA, and students can use their student ID as appropriate identification.

Mary McMahon, Silver Bow County, said that they are in support of this bill. She also said that people are always surprised when they come to the Clerk and Recorders Office and they do not need to provide an ID. All voters should have to show an ID.

Duane Winslow, Yellowstone County, said that this is a good bill that promotes participation and protects the integrity of the process.

Opponents' Testimony:

{Tape: 2; Side: B; Approx. Time Counter: 16.3 - 18.3}

Pat Callbeck Harper, AARP, submitted her written testimony.
EXHIBIT(sts52a08)

Rita Blouke, League of Women Voters, said that they are concerned with the transition of the absentee ballots, and about having to sent a copy.

{Tape: 2; Side: B; Approx. Time Counter: 22.2 - 24.6}

George Ochenski, Confederated Salish & Kootenai Tribes, read a letter to the Committee from the Salish Kootenai Tribes.
EXHIBIT(sts52a09)

Carol Juneau, HD 85, said that she is opposed to this bill because she is opposed to the idea of having to present an ID to vote, and this is just another barrier to voting.

Matt Leow, MontPIRG, said that they are opposed to HB 190 because this bill has barriers in it that will discourage voter participation. They do support HAVA. They have a concern with having to show an ID because it will confuse those who have been voting for years when they have to present an ID.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 4.6}

Jeanne Souvigney, Montana Conservative Voters, said that they are concerned with the ID requirement, and think that only those who will be voting for the first time should have to show an ID. She also said that Montana will have problems with the provisional ballots.

Ed Eaton, Helena Election Judge, said that this bill is a solution in search of a problem. Montana has the highest voter turnout and he is concerned with the elderly having to show an ID.

Sarah Cobler, ASUM, submitted her written testimony to the Committee.
EXHIBIT(sts52a10)

June Herremanson, Montana People Action, said that the 45-day period should not be changed to 30-days. Shortening time limits access.

Brad Martin, Democratic Party, said that they have four concerns; 1)discrimination, 2)ID required for absentee ballot, 3)changing 45-days to 30-days, 4)the third party being eliminated.

Andrea Shipley, WEEL, said that absentee ballots help voter turnout and the days should not be cut from 45 to 30. Cutting the days by one-third will affect the least mobile.

Veronica Small-Eastman, HD 6, said that she is opposed to this bill because it limits the constitutional right to vote, and it also limits the handicap and elderly.

Beth Brennan, ACLU, said that they are concerned with the ID requirements because religious minorities like the Hutterites do not have ID.

Joey Jayne, HD 73, said that she is opposed to this bill.

Verner Bertelsen, Montana Senior Citizens Association, said that they are opposed to this bill.

Don Judge, Sierra Club, said that they are opposed to this bill.

Questions from Committee Members and Responses: none

Closing by Sponsor:

REP. YOUNKIN said that there are many forms of ID that are acceptable. Social security numbers and drivers license numbers are already on file with the government, and they are solely used by the government. The third party pick up of request forms for absentee ballots is already illegal, this law just clarifies it. This bill will maintain and enhance the voting in Montana. We have a problem in Montana and we need to take care of it before it becomes a bigger problem. There is no reason why we should not show our ID. Rights have corresponding responsibilities and fraud affects the integrity of the system. **REP. YOUNKIN** read an editorial from the Wall Street Journal to the Committee.
EXHIBIT(sts52a11)

Motion/Vote: **SEN. SQUIRES moved that RESOLUTION FOR DILLON ARMORY DO PASS. Motion carried 5-0,** by voice vote.
EXHIBIT(sts52a12)

Exhibits 13 and 14 were handed out to the Committee at the beginning of the meeting, but were not referred to.
EXHIBIT(sts52a13)
EXHIBIT(sts52a14)

EXHIBIT 3
DATE 3/12/03
HB 190

This bill incorporates some state law changes, but the bulk of the bill establishes election reforms mandated by the federal Help America Vote Act. This Act was passed in October of 2002. The appropriations for the federally mandated reforms passed in Congress on February 14th of this year. [$5-8 million]

This bill incorporates the federal mandates necessary for Montana to be eligible for the federal funds. (Even if Montana rejects the funds, the state must comply with the mandates.)

Most of the funding for this bill will provide DREs in each polling place (Direct Recording Equipment). This is state-of-the-art voting equipment that allows those who are blind and visually impaired and those who are mobility impaired to cast a secret ballot. This is something that has not been possible before. [About $4 million]

The funds would also provide revenue to replace the punch card ballot devices used in 5 Montana counties (Broadwater, Fallon, Fergus Flathead and Mineral). (A sixth county, Glacier County, used punch cards in 2002; this county may also get funds under this bill). [About $350,000.00]

The money must also be used to:

- Create a single, uniform, interactive, computerized statewide voter registration list containing the name and registration information of every legally registered voter. This system is to be located at the office of the Secretary of State. It must be coordinated with other state agency databases, and continually maintained.

- Provide statewide education and other notices to voters on how to cast and correct a ballot, how to vote provisionally and who must present identification (In HAVA, all first-time voters or those changing voting jurisdictions).

Section 1

Defines "legally registered voter," "statewide voter registration list" and other terms necessary to implement the bill.

Section 2

Pure clean up of a sentence that is 100+ words.

Section 3

Identifies the county election administrator as the contact point for the statewide voter registration list.

Section 4

Establishes the parameters for the statewide voter registration database and information sharing agreements for voter registration data between the motor vehicle licensing database and the social security administration information database.

Sections 5 and 6

Establishes the rulemaking authority for the Secretary of State in creating and maintaining the statewide voter registration database.

Section 7

Incorporates federal requirements for new applications for voter registration and those who apply by mail or transfer jurisdictions. HAVA requires this identification to place the voter in the statewide registration list. The applicant must disclose their driver's license, if they do not have a driver's license, they must disclose the last four digits of their social security number. If they have neither a driver's license nor a social security number, a unique identifier will be assigned to the voter.

Section 8

Requires the SoS to certify the official statewide voter registration list.

Section 9

Clarifies the content of a precinct register.

Section 10

Protection of individual privacy when elector lists are sold.

Section 11

List that the county election administrators must send to SoS

Section 12

Procedures when prospective voters are not qualified at time of registration (clean up)

Section 13

Voter registration list referenced back to Section 5 of the bill.

Section 14

It is not my intent to broaden the election administrator's authority to cancel an elector's registration. This section clarifies that the notice of cancellation may come from the SoS if an elector has registered in more than one county.

Section 15

Transfer of registration must follow rules found in Section 5 of the bill.

Section 16

Change of residence from county to county requires identification under HAVA.

Section 17

Clean up, special addendum for voter who votes outside his precinct.

Section 18

A candidate may not file for more than one office.

Section 19

Write-in candidates who file a declaration of intent must pay filing fee. (This only applies to write-in candidates who file a declaration of intent. There are some cases where federal courts have found that requiring a filing fee for write-ins is unconstitutional because it the government is not required to have their name written in. However, a candidate for write-in who files a declaration cannot make this argument. In addition, if HB 155 (the HJR8 study bill) passes, only the names of write-in candidates who file a declaration can be counted).

Section 20

HAVA requires that notice be posted at the polling place identifying how to vote provisionally, the date and hours the polls are open and instructions for voters who vote for the first time in that jurisdiction who registered by mail.

Section 21

Requires identification for all voters. It can be a photo ID or a current utility bill, bank statement, paycheck, government check **or other government document,** that shows the name and address of the voter.

Under HAVA, new applicants to a county or first time voters who register by mail (almost all electors in Montana register by mail) will have to produce some kind of ID.

This singles out young voters and voters who are new to a jurisdiction. (In 1998, the turnout for voters **18-24** years of age was **16%**, for **25-44** it was **34.8%** for **45-64** it was **53.6 %** and for those **65 and over** it was **59.5%**.) The young voters need to be encouraged to vote not discouraged from voting by being singled out at the polls and required to produce identification. This is not fair.

This Section of the bill will require that all voters present some kind of identification to verify who they are. All voters will be treated fairly; young and new voters will not be singled out. In addition, it will greatly assist the SoS in creating the federally mandated statewide voter registration system. Most people will have driver's licenses; if they don't they can provide any government document that has their name and address on the document. The SoS intends to send each legally registered elector who has been assigned a voter ID number a registration card. A voter could use this card, s/he could use a birth certificate or any of the other various documents mentioned in this section of the bill.

Section 22

All voters who claim they are registered to vote are allowed to vote provisionally. The ballots will be handled separately and later verified.

Section 23 (is probably unnecessary and redundant)

Fail-safe for voting by mail, just in case.

Section 24

Requires the SoS to draft rules for handling provisional ballots

Section 25

Procedures for voting absentee. The SoS will have a verification sheet with a legally registered voter's number (driver's license if s/he has one, last four digits of social security number if s/he does not have driver's license, or unique identifier if s/he does not have a driver's license or social security number. The voter will verify the address and data and sign the document to be sent to the election administrator with the ballot. This constitutes a government document. The voter can also include any of the ID listed in this section.

Section 26

Verifies an individual's right to vote provisionally when s/he did not receive an absentee ballot or the ballot has been lost or destroyed.

Section 27

Ballots must be available "at least 30" days before an election. This will allow the VIP to be sent with the absentee ballot. This section does not change the time within which an elector can **request** an absentee ballot (75 days). It only provides that the ballots be available **at least 30 days** before an election. It also will allow the printers and the clerks more time in preparing the ballots. Finally, voter registration closes 30 days before the election. This would allow the clerk to enter all of the registrations and allow for checking to make sure that someone who voted and registered to vote 45 days before the election was not also registered in another county.

A report by the Committee for the Study of the American Electorate found that "no fault" absentee voting (which is what Montana has) hurts voter turnout, therefore, it does not make sense to suggest that a reduction in the days for absentee voting from 45 to 30 days would negatively impact voting. The longer the period of early voting the greater the "differentials in information" according to the same study. For example, in our most recent election, a number of votes had already been cast when Senator Taylor announced his withdrawal from the election. Also, most voters who vote 45 days before an election have little or no information on the ballot issues.

The average length for states to allow for absentee or early voting is 21 days. Montana allows far more time than that, even with this amendment. (Data from the Committee for the Study of the American Electorate)

A New York Times Article in October of 2002 reported that "Campaigns are now starting earlier and costing more, and the kind of attacks and appeals that might be saved for the end are being raised before the autumn leaves have begun to turn."

The longer our period for absentee or early voting, the more costly and negative our races will become.

Section 28

An application for absentee ballot must include an individual's birth date. Absentee requests will now require a date of birth. This is to enable the county election administrators to more readily determine the identity of the voter. In many families, father and sons and also mothers and daughters have the same name or same initials, and many electors have handwriting that is difficult to read. Resolving these conflicts is very time consuming for election administrators.

Section 29

Provides that an application for an absentee ballot cannot be forwarded through a third party, it must be mailed or delivered to the county election administrator.
This section does not change how applications for absentee ballots are delivered to electors. This section does not change how personal delivery to the clerk's office occurs. It provides **only** that if an absentee ballot request is to be delivered by mail, the address must be to the clerk and recorder and not to a third-party. Some voters voted the absentee

ballot and then showed up at the polls wanting to vote on Election Day. Some requests were never received by the county election administrator and therefore, the voter did not have the opportunity to vote by absentee ballot. Many, many people complained that they did not realize what they were signing.

Section 30

Under the old law, a voter information pamphlet was sent with a ballot only if the voter was out of state. This section requires a VIP be sent to in-state voters as well.

Section 31

Procedure for examination of absentee ballots.

Section 32

How to handle a challenged ballot. A provisional voter is one who has not fulfilled the ID requirements or whose name does not appear in the poll book for some reason. A challenged elector is one whose name appears on the register but who is challenged because s/he has voted in the election, is of unsound mind, or has committed a felony and is serving a sentence in a penal institution.

Both the provisional voter and the challenged voter will be handled the same way, they vote provisionally and the election administrator will decide whether to allow the ballot to count and inform the voter. Then the voter can appeal through the statewide grievance procedure provided through the SoS office.

Section 33 and 34

Nonpartisan candidates and candidates filing for offices without salary or fees may not file for more than one office.

Section 35

Allows the voter an extra day to correct any deficiencies that prevent a provisionally cast ballot from counting (challenges as well).

Section 36

Requires a write-in who wins an election to pay a filing fee. (If HB 155 passes and no one can be a write in-unless they file a declaration of intent, and a declaration is filed by all candidates, all candidates will have complied with this section.)

Section 37 and 38

Extends a canvass from 3 days to 3-7 days in order to allow election administrators to process provisional ballots

Section 39

Clean up

Section 40

Allows the SoS and the Superintendent of Public Instruction to use staff time for the youth voting program.

Section 41

Allows mailing label for VIP to be addressed to "current resident." VIPs were often sitting in the post office as undeliverable; this would allow the current resident to get use out of the VIP if the registered voter had moved.

Requires the VIP be mailed 30 days before the election.

Section 42

Clean up

EXHIBIT 4
DATE 3/12/03
HB 190

Amendments to House Bill No. 190
2nd Reading Copy

Requested by Representative Cindy Younkin

For the Senate State Administration Committee

Prepared by Pat Murdo
March 12, 2003 (2:52pm)

1. Title, page 1, line 26.
Strike: "13-2-112,"

2. Title, page 1, line 27.
Strike: "13-2-207"

3. Page 9, line 2.
Following: "identification"
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification,"
Strike: "and current address"

4. Page 9, line 3.
Following: "paycheck,"
Insert: "notice of confirmation of voter registration issued pursuant to 13-2-207,"

5. Page 9, line 6.
Following: "identification"
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification,"
Strike: "and current address"

6. Page 19, line 6.
Strike: "and current address"

7. Page 19, lines 7 through 8.
Strike: "or if" on line 7 through "register" on line 8
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification"

8. Page 19, line 9.
Following: "paycheck,"
Insert: "notice of confirmation of voter registration issued pursuant to 13-2-207,"

9. Page 20, lines 13 through 14.
Strike: "and current" on line 13 through "enclose" on line 14
Insert: "or"

10. Page 20, line 15.
Following: "paycheck, "
Insert: "notice of confirmation of voter registration issued pursuant to 13-2-207,"

11. Page 21, line 15.
Strike: "and address"
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification"

12. Page 21, lines 15 through 16.
Strike: "or" on line 15 through "current" on line 16
Strike: "also"

13. Page 21, line 17.
Following: "paycheck,"
Insert: "notice of confirmation of voter registration issued pursuant to 13-2-207,"

14. Page 31, line 9.
Strike: "13-2-112,"
Strike: "13-2-207,"

- END -

Subj: **2003 HB190 - See my other email for explanation**
Date: 3/11/03 4:15:52 PM Mountain Standard Time
From: GHowze@co.gallatin.mt.us (Howze, Glenda)
To: jamisonlawmona@cs.com (Lobbyists E-Mail (E-mail)), jamisonfamily@msn.com (Lobbyists E-Mail (E-mail 2)), DonHSD16@aol.com (Lobbyists E-Mail (E-mail 3))

EXHIBIT 5
DATE 3/12/03
HB 190

Senate State Administration
Room 335, State Capitol

March 11, 2003

RE: Committee Hearing 3-12-03, HB 190

Dear Chairman Cobb and members of the (S) State Administration Committee,

I am sorry that I am unable to attend your committee hearing scheduled for March 12th on HB 190. I ask that you please consider the following points before voting on HB 190.

- All voters should be treated equally and none should be singled out. Do not discriminate among voters. Identification requirements should apply to everyone – equally.

- Election judges (and Election Administrators) need consistencies. One rule with one procedure. This keeps the election process simple and less confusing.

- There is a potential cost associated with the voter registration database and generating reports if identification is not required for all equally: We (election administrators) will need some type of special checks and balances that sends a message to election judges that you must require ID for this voter but you don't need to require ID for that voter.

- During the 2002 general election, at least 30% of the people who absentee voted in Gallatin County stated concern (and some were even angry) that we did not require identification.

- Citizens are concerned about their identity's being stolen. Citizens are concerned about the integrity of the election process. Passage of the Help America Vote Act confirms these comments to be true. The majority of voters are proud and willing to show their identification when voting.

Please assist us (The Secretary of State's Office, County Election Administrators, and the many volunteer election judges throughout the state) to insure the integrity of elections – SUPPORT HB 190.

Thank you for your consideration,

EXHIBIT 6
DATE 3/12/03
HB 190

THE NEY-DODD-HOYER-MCCONNELL HELP AMERICA VOTE ACT OF 2002 (H.R. 3295)

SUMMARY OF HOUSE-SENATE AGREEMENT

I. TITLE I—ANTIQUATED MACHINE BUY-OUT

- $325 million for buying out punch-card and lever voting machines.
- $325 million in automatic payments to states to improve election administration.
- Each state is guaranteed to receive at least $5 million under this title.

II. TITLE II—ELECTION ASSISTANCE COMMISSION

- A federal commission is established, consisting of 2 Republican appointees and 2 Democratic appointees.
- The Commission has no rulemaking authority but, under prescribed procedures, will issue voluntary guidelines for voting systems and the requirements.
- The Commission carries out the grant programs, provides for the certification and testing of voting systems, and studies election issues.

Requirements Payments

- $3 billion for meeting the requirements, training poll workers, providing voter education, and improving the administration of federal elections.
- Payments are allocated by formula upon the submission of a state plan, developed in an open manner and subject to public notice and comment, and certain self-certifications.

Access Grants

- $100 million for increasing polling place access for disabled voters.

Research Grants

- $20 million for research and development to improve voting technology.

Pilot Program Grants

- $10 million for pilot programs to test new voting systems and equipment.

Protection and Advocacy Systems Payments

- $40 million for state protection and advocacy systems.

National Student and Parent Mock Election

- $200,000 to the National Student and Parent Mock Election to promote voter participation.

III. TITLE III—REQUIREMENTS

Each state must:

- Provide voters an opportunity to check for and correct ballot errors in a private and independent manner.

- Have a voting system with a manual audit capacity.
- Provide at least 1 voting machine per precinct that is accessible to the disabled.
- Provide alternative language accessibility pursuant to the Voting Rights Act.
- Have a voting system whose error rate does not exceed the existing rate established by the FEC Office of Election Administration.
- Define what constitutes a legal vote for each type of voting machine used in the state.
- Provide provisional ballots to ensure no individual is turned away at the polls.
- Implement a uniform, centralized computerized statewide voter registration database to ensure accurate lists.

System Integrity

- When registering to vote, individuals must provide a driver's license number or, if the voter does not have a driver's license, the last 4 digits of the Social Security number. If an individual does not have either number, he or she will be assigned a unique identifier.
- First-time voters who register by mail are required to provide identification when they cast their ballots.
- States are obligated to maintain clean and accurate voter registration lists.
- Voters who cast their ballots after the designated poll-closing time as a result of a court order will have their ballots segregated and counted separately.

IV. TITLE IV—ENFORCEMENT

- DOJ may seek injunctive or declaratory relief for violations of the Act.
- Each state receiving funds under the Act must establish an administrative grievance procedure for hearing complaints. States not accepting funds under the Act must either establish a grievance procedure or submit a compliance plan with DOJ.

V. TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

$5 million to encourage college students to participate in the political process by volunteering as poll workers.

VI. TITLE VI—HELP AMERICA VOTE FOUNDATION

$5 million to encourage high school students to participate in the political process by volunteering as poll workers.

VII. TITLE VII—MILITARY

Provisions to improve ballot access for military and overseas voters.

VIII. TITLE VIII—TRANSITION PROVISIONS

Transition provisions from House- and Senate-passed bills.

IX. TITLE IX—MISCELLANEOUS

- The Commission is authorized to conduct audits, including special audits.
- Criminal penalties for conspiracy to deprive voters of a fair election and providing false information in registering and voting.

ELECTIONS ADMINISTRATOR
200 W BROADWAY ST
MISSOULA, MT 59802

EXHIBIT 7
DATE 3/12/03
HB 190

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
MISSOULA, MT
PERMIT NO. 402

RETURN SERVICE REQUESTED

Precinct: Precinct 29

Polling Place
Hellgate Elementary School P. 29
2385 Flynn Ln

Legislative: 070

Senate: 035

Fire: MIS

School: 0004

Soil Conservation: S

182003446
VICKIE M ZEIER
5805 LARIAT LOOP
MISSOULA MT 59808

ID is required to receive a ballot.
This card can be used for ID.

EXHIBIT 8
DATE 3/12/03
HB 190

AARP Montana

March 12, 2003
Senate State Administration Committee
Testimony in opposition to HB190

Mr. Chairman and members of the Committee for the record my name is Pat Callbeck Harper and I am the Associate State Director for AARP Montana. AARP is a nonpartisan, nonprofit organization dedicated to bettering the lives of persons 50 and older, with 136,000 members in Montana.

We are pleased to be able to testify on HB190, and offer strong support that it be amended to lessen the negative impact on legally registered voters, especially seniors, those with disabilities, students and others who are mobile.

We also support Secretary of State Brown and his staff in attempting to bring Montana into compliance with HAVA. We have been working fairly constantly with the staff to arrive at some possible accommodations to additional measures proposed by the Secretary that we believe go past HAVA into creating barriers to certain key voters.

Above all, we want you to know that we are proud of the older generations of Montanans who are some of the most faithful and regular voters. We are concerned that this is not a good bill for seniors, for those in nursing homes or assistant living centers, for those with disabilities, or for any who need assistance from friends and neighbors in exercising their democratic responsibility to vote.

If this bill is passed as it is, it will require all legally registered voters to show identification when voting at the polls. It will also require voters to send in photocopies of appropriate identification with their absentee ballot in order for it to be a legally cast ballot. Our members in nursing homes and assisted-living who do not regularly have driver's licenses, utility bills or bank statements in their own names, nor do they have easy access to copy machines to make copies to send in documentation with their absentee ballot. We are afraid the identification requirement of all voters, not just newly registered voters, will create unnecessary barriers and embarrassment for Montana citizens who might not have the right identification to vote even though they have been voting for decades in the same place. Our members have expressed concern and even anger about this change in voting practice.

Other concerns with the bill are that it limits the ability of third parties to assist registered voters in requesting an absentee ballot, and it limits the number of days an absentee voter has to cast their ballot from 45 to 30 days. AARP Vote has for years worked to assist

30 West 14th Street, Suite 301 | Great Northern Addition | Helena, MT 59601 | 406-441-2277 | 406-441-2230 fax | 1-877-434-7598 TTY
James G. Parkel, President | William D. Novelli, Executive Director and CEO | www.aarp.org

those who are physically unable to get their absentee application into the mail or to the Clerk's Office. We understand the concern about fraud and loss of applications. We would suggest that the Secretary of State include urging to voters to only entrust their absentee applications to persons they trust. He can do this possibly in the many public service announcements we know he will be airing with the federal funding coming with HAVA.

We have one set of amendments, Mr. Chair, that we would like to submit with our testimony to address those portions of the bill that require identification of the already legally registered voters in person and in absentee voting.

We are able and very willing to work with this committee or a subgroup that would work on this bill and several others we know you have related to revisions in our voting. AARP participated actively in the passage of HAVA, and their resources are available to you at any time.

Thank you for the opportunity to testify this afternoon.

Attachment: amendments re: identification requirements in HB190

Areas of Concern in HB190 for AARP Montana:

1. Section 21
Voter identification and marking...
p. 19, lines 3-10 and 17-24.

2. Section 23.
Failsafe and provisional voting by mail
p. 20, lines 10-20.

3. Section 25.
Voting by absentee ballot—procedures
p. 21, lines 4-5; lines 14-21.

4. Section 27.
When ballots to be available
p. 22, line 10.

5. Section 29.
Transmission of application to election administrator—delivery of ballot
p. 23, lines 11-12.

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. Box 278
Pablo, Montana 59855
(406) 675-2700
FAX (406) 275-2806
E-mail: csktcouncil@cskt.org

EXHIBIT 9
DATE 3/12/03
HB 190

Joseph E. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Leon Bourdon - Sergeant-at-Arms

TRIBAL COUNCIL MEMBERS:
D. Fred Matt - Chairman
Jami Hamel - Vice Chair
Carole J. Lankford - Secretary
Lloyd D. Irving - Treasurer
Joel A. Clairmont
Margaret Goode
Mary Lefthand
Elmer "Sonny" Morigeau
Charles D. "Denny" Orr
Ron Trahan

Hearing of the Senate
State Administration Committee
House Bill 190
March 12, 2003

Testimony of D. Fred Matt, Tribal Chairman of The Confederated Salish and Kootenai Tribes of the Flathead Nation

On behalf of The Confederated Salish and Kootenai Tribes of the Flathead Nation, I am expressing our concerns about House Bill 190, Revision of Certain Election Laws.

Our general concern is that HB 190 seeks numerous additional and complicated provisions for voter registration, requesting absentee ballots, and voting in general. The major provisions of HB 190 seem to follow a national trend toward more stringent election controls in the wake of the 2000 Presidential election. We agree that accountability and improvement are needed; however, the situation in Montana must be viewed differently with respect to our much smaller populations and greater geographic distances. It is not in our best interests to make voting and elections so cumbersome that the average citizen is frustrated by the process or at worst, discouraged from even participating.

Section 7 of HB 190 proposes that applicants for voter registration shall provide their driver's license number, or the last four digits of their social security number if they do not have a driver's license. There is ***no*** reason for election offices to have driver's license numbers or social security numbers as part of the voter registration database because this information does ***not*** verify either voter identity or voter eligibility. It is further proposed that persons applying to register by mail be required to submit a copy of photo identification or other information, causing additional burden to the average citizen who may not have ready access to do so. We urge that HB 190 be amended to remove the requirement for voter registration applicants to provide their driver's license number or social security number or to submit proof of identification when registering by mail.

Section 21 of HB 190 proposes that voters shall present photo identification when voting at the poll, or alternatively presenting other information for election judges to review to verify the voter's identity and eligibility to vote. The most obvious problem will be delays

when voting on election day because of the additional step of presenting identification. We are concerned that election judges at individual voting precincts will have the discretion to verify identity and eligibility and this raises a strong possibility of inconsistent application. If HB 190 passes as written, election judges will have to receive training to properly act on the new situations that will arise at the polls. The requirement for photo identification is also part of the absentee voting process. Persons voting by absentee, who may be low-income, elderly, disabled, or lacking transportation may not have ready access to photocopying their photo identification to enclose in the absentee ballot return envelope. The additional paperwork will have to be handled by county election offices that seem to already be challenged to meet ***existing*** demands for absentee voting. We urge that HB 190 be amended to remove the requirement for voters to present photo identification when voting at the poll or when voting by absentee.

Section 27 of HB 190 proposes to reduce the length of time prior to the election that absentee ballots are available, from 45 days to 30 days. This will place additional burden on county election offices to meet the demand for absentee voting in 15 days less time. In all likelihood, counties may be forced to hire additional staff and/or expand hours of operation. We urge that HB 190 be amended to retain the present 45-day period prior to elections that absentee ballots are made available.

Thank you for the opportunity to present testimony on behalf of The Confederated Salish and Kootenai Tribes.

Respectfully,

THE CONFEDERATED SALISH AND KOOTENAI TRIBES

D. Fred Matt
Tribal Chairman

EXHIBIT 10
DATE 3/12/03
HB 190

ASUM

Associated Students of the University of Montana

House bill 190, Cindy Younkin: Support with amendments

ASUM is particularly interested in increasing student voice in government. We register voters, host issue and candidate forums and lobby and train student lobbyists. In the 2000 election cycle, ASUM organizers registered more than 4000 voters on campus. During the last election cycle, we registered nearly 2000. Improving voter registration and student participation are consistently recognized as priority issues through senate resolutions.

House bill 190, brought to the legislature by Rep. Younkin and Sec. of State Bob Brown, is an effort to bring Montana into compliance with the federal "Help America Vote Act." Students support this effort to modernize voting equipment and create a centralized voter database. **We also support Rep. Younkin and Sec. Brown's addition to HAVA to provide provisional ballots for those who are not listed on the voter sheets at the polling place.** This measure is a safe guard against some legitimately registered voters from being turned away from the polls all together.

However, there are **four areas that seem to go beyond the requirements of HAVA** and actually **reduce and detrimentally affect students right to vote.**

- **First, Section 21 requires "all legally registered electors" to present ID to vote.**
  - **Students are transient by nature. Some students will not have any of the required identification when paired with a current address.** Unfortunately, some students do not have a driver's license or Montana state ID with a current address. Students from other states may choose to vote in Montana during their career as students. Many students do not drive. Others still are Montana residents but do not have their name on the utility bill, etc. Students may not have a "current utility bill, bank statement, paycheck, government check or other government document that shows the elector's name and current address."
  - We suggest a conceptual amendment to eliminate the new requirement that all "legally registered electors" must present ID to vote.

- **Second, Section 25 requires that "all legally registered electors" who use an absentee ballot must mail back a copy of an acceptable ID to have their vote counted.**
  - This additional requirement **discourages new voters** from participating in the democratic process. The state should not require any more laborious steps for a student to vote than current law and HAVA already have.

- **Third, Section 27 reduces the time available to mail, receive and turn in absentee ballots by 1/3, or 15 days.**

- This is an impairment to some absentee voters and seems unnecessary. Students should be given the maximum time possible to complete independent, comprehensive research on candidates and issues. The voter information pamphlet is not the only source of good information available to voters. Project Vote Smart, for example, provides excellent, early, non-partisan information for the interested electorate.

- **Fourth, Section 29 prevents third party absentee ballot request efforts.** Student organizers make it easier for students to vote under current law. Voting can be made easier for students if ASUM helps distribute and collect requests for absentee ballots. This section creates barriers and adds costs to groups and individuals trying to increase student voter participation.

With amendments, ASUM supports this bill and looks forward to working with the sponsor and the committee. Thank you for your consideration.

EXHIBIT 11
DATE 3/12/03
HB 190

WSJ.com OpinionJournal
from THE WALL STREET JOURNAL Editorial Page

JOHN FUND'S POLITICAL DIARY

'Am I Ashamed of Who I Am?'

A modest voting reform runs up against Democratic demagoguery.

Tuesday, March 4, 2003 12:01 a.m.

Last year, Congress imposed some federal standards on the nation's antiquated election laws to help prevent another fiasco like the 2000 election in Florida. Along with providing money to upgrade voting systems and improve registration procedures, the new law will also require first-time voters who register by mail to show some proof of identity, either a photo ID or some other government document. This minimal requirement will make it easier to ensure that only citizens vote, that they only vote once, and that they don't cast votes in the name of dead people.

It usually surprises Americans that only 11 states require all voters to show ID. (They are Alaska, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Missouri, South Carolina, Texas and Virginia.) Other countries--both developed and developing--do much more in the way of requiring identification in order to vote. Recent internationally supervised elections in Bosnia, Kosovo, East Timor and Guyana have all stipulated that voters had to present ID to cast a ballot.

But attempts to impose identification requirements here run into furious objections that they would discriminate against poor and minority voters. In New Mexico, state Rep. Max Coll, a Democrat, justified blocking a photo ID bill by calling it an effort "to suppress the vote of poorly educated people who don't understand exactly what they need to bring as ID or anything like that."

That is sheer demagoguery. Almost everyone needs a photo ID to survive in today's society. You can't cash a check or open a video-rental account without a driver's license or the equivalent, and all states provide a low-cost photo identification cards for nondrivers. Under last year's federal election reform, you don't even need one of these. Acceptable proof of identity can include a utility bill, a bank statement, a government check, a paycheck or any government document showing your name and address. Someone who lacks any of those things is a rare specimen indeed in 21st century America.

Despite objections like Mr. Coll's, a growing concern over ballot fraud is prompting states to pass ID requirements that go beyond the federal law, which applies only to first-time voters who registered by mail.

In South Dakota's razor-thin U.S. Senate election last year, 277 people reported to the FBI that their signatures on absentee ballots or voter registration form had been forged. Two people were charged with voter registration and absentee-ballot fraud. On Election Day, they were numerous complaints of voters on Indian reservations casting ballots in someone else's name, although law enforcement officials haven't indicted anyone.

By a 49-20 vote, South Dakota's House passed a bill last month that would require voters to

present ID. "There is no way that everyone in South Dakota can know everyone anymore," says state Rep. Matt McCaulley, a Republican who sponsored the bill. The Senate takes up the measure this week.

In Colorado, the state Senate last month approved an ID bill that would also require county clerks to check the written signatures of people who cast absentee ballots against their registration signatures. While the 18-16 vote broke mostly along party lines, and the chief sponsor, Sen. Ken Arnold, is a Republican, Sen. Alice Nichol, a Democrat, broke ranks. She said she couldn't comprehend why anyone wouldn't be willing to show identification: "Am I ashamed of who I am?"

As in New Mexico, opponents demagogued the issue. Some of Sen. Arnold's opponents likened his bill to the Jim Crow-era poll tax. "We are running the risk of disenfranchising seniors, college students, people of color--a lot of folks who just generally don't have identification," said Sen. Peter Groff, a Democrat. However, he failed to produce any statistics backing up his claim that many people in today's America lack ID. Besides, Sen. Arnold's bill allows people without a photo ID to cast a provisional ballot by signing an oath under penalty of perjury that they are a valid voter.

The secretaries of state in both North Dakota and Montana are also supporting photo ID bills. "It makes sense to give people a sense of greater security that their ballot is sacred," says Montana's Secretary of State Bob Brown.

While Democrats usually oppose photo ID requirements, it only takes one good local scandal to galvanize enough voter support to turn the partisan calculations around. An absentee ballot forced Miami's mayor from office in 1997, and that prompted the late Gov. Lawton Chiles, a Democrat, to sign a reform bill that not only included photo ID, but also upgraded most voter fraud crimes to felonies. Without that bill, Florida might have been an even bigger mess in 2000. A similar scandal in St. Louis in the 2000 and 2001 elections persuaded Democratic Gov. Bob Holden to sign a photo ID bill passed by a Democratic state House and a Republican Senate.

Those who complain of disfranchisement fail to note that when someone casts a phony vote, everyone's right to vote suffers. Photo ID bills won't eliminate fraud entirely, but they discourage casual cheating and are a low-cost, low-maintenance way to make sure voters will continue to have confidence in elections.

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PRINT WINDOW CLOSE WINDOW

EXHIBIT 12
DATE 3/12/03
BB Dillon Armory

Montana State Senate

The Big Sky Country

March 13, 2003

Board of Land Commissioners
c/o Department of Natural Resources and Conservation
1625 11th Avenue
Helena MT 59620-1601

Dear Commissioners:

Following a March 12 hearing in the Senate State Administration Committee, the Committee unanimously passed a resolution in support of the transfer of the Dillon Armory to Beaverhead County.

Sincerely,

Sen. Mike Wheat
Acting Chair

ROLL CALL

SENATE COMMITTEE: State Administration **DATE: March 12, 2003**

NAME	PRESENT	ABSENT	EXCUSED
Senator John Cobb, Chairman	X		
Senator Mike Sprague, Vice Chairman	X		
Senator Kelly Gebhardt	X		
Senator Carolyn Squires	X		
Senator Mike Wheat	X		
Pat Murdo, Legislative Services	X		
Mona Spaulding, Secretary	X		

DATE 3/12/03

SENATE COMMITTEE ON STATE ADMINISTRATION

BILLS BEING HEARD TODAY: HB, 190, 201, 548, 563

DNRC Hearing, Dillon Armory

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Sharon Tenney	454-6803	Cascade Co.	563 190	✓ ✓	
Elaine Bradley	444-5376	SRS	HB 190 563	✓ ✓	
Mary McMahon	497-6342	Butte-Silver Bow	HB 563 HB 190	✓ ✓	
Jerrie Bertelsen	442-2279	MLCA	HB190		✓
Jeanne Souvigney	222-9093	MCV	HB190 HB563		✓ ✓
Brad Martin	442 9520	MT Democratic Party	HB 190 HB 563		✓
Matt Leow	443-0224	MontPIRG	HB 190		✗
Duane Winslow	4256-2742	Y County/MACR	HB 190 HB 563	✓	
Vickie Zeier	721-5700	Missoula Co	HB 190 HB 563	✓	
Rita Blouke	4429135	League of Women Voters	HB 190 HB 563		✓
Pat Callbeck Harper	457-4704	AARP MT	HB 563 HB 190		✓ ✓
Jeanne Hemmingson	444 3544	DNRC		✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE_____

SENATE COMMITTEE ON_____

BILLS BEING HEARD TODAY:_____

_____

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Scott Marsh		Beaverhead Co		—	
Jan Ward	3544	DNRC		✓	
Sarah Colclur	459-6838	ASUM	HB 190		
Don Hargrove	920-2478	Gallatin Co.	HB 190 HB 201	✓ ✓	
Will Hammergren	595-0396	ASMSU	* HB 190 *	✓	
Will Hammergren	595-0396	ASMSU	HB 563		✓
Don Judge	442-2968	Teamsters Local 190 MT chapter, Sierra Club	HB 190		X
GEORGE OCHENSKI	442-9151	CONFEDERATED SALISH + KOOTENAI TRIBES	HB 190		X
HAROLD BLATTIE	442-5209	MACO	HB 190	X	
Tom Fiscella	788-1756	Forward MT	HB 190	X	
Amy Fendrick	457-738	MT Women Vote	HB 190		X
Andrea Shipley	543-2530	WEEL	HB 190		X
Robert Throssell	4596805	MT Assoc Clerks & Records	HB 190 201 563 548	✓ ✓ —	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE_____

SENATE COMMITTEE ON_____

BILLS BEING HEARD TODAY:_____

_____

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Bonnie Ramey	225-3743	Jeff Co	190	X	
Cody Ferguson	449-3268	NPRC	190		X
ED EATON	431-1282	Self	190		X
Beth Brenneman	443-8590	ACLU of WV	~~563~~ 190		✓
Veronica Small-Eastman		HD#6	563 190		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **SEN. KELLY GEBHARDT**, on March 17, 2003 at 3:10 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:
Sen. John Cobb, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Kelly Gebhardt (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Mona Spaulding, Committee Secretary
Rebecca Sattler, Transcription of Minutes

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:	HB 686, 3/7/2003; HB 731, 3/7/2003; HB 523, 2/28/2003; HB 599, 3/7/2003;
Executive Action:	HJR 24, Be Concurred In; HJR 28, Be Concurred In

SEN. WHEAT will carry the bill on the Senate floor.

{Tape: 2; Side: A; Approx. Time Counter: 22.9 - 28.2}

CHAIRMAN GEBHARDT reported the results of the Subcommittee's discussion on HB 218. He said that they Subcommittee is going to meet to further work out the details, and the bill would come back to the Committee next week.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 0.5}

The Committee addressed HB 190, so that executive action could be taken on Wednesday.

Janice Doggett, Secretary of State's Office, discussed the amendment (Exhibit 9). She also distributed the gray bill, with the changes made by the amendment written out. They went over the changes individually on Pages 1, 8, 9, 19,20, 21, 22, 24, 25, and 27.

EXHIBIT(sts56b09)
EXHIBIT(sts56b10)

CHAIRMAN GEBHARDT closed the meeting.

{Tape: 2; Side: B; Approx. Time Counter: 0.5 - 22.6}

EXHIBIT 9
DATE 3-17-03
HB 190

Amendments to House Bill No. 190
2nd Reading Copy

Requested by Representative Cindy Younkin

For the Senate State Administration Committee

Prepared by Pat Murdo
March 17, 2003 (2:38pm)

1. Title, page 1, line 24.
Following: "13-13-214;"
Insert: "13-13-232;"

2. Title, page 1, line 26.
Strike: "13-2-112,"

3. Title, page 1, line 27.
Strike: "13-2-207"

4. Title, page 1, line 26.
Following: "MCA;"
Strike: "AND"

5. Title, page 1, line 28.
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

6. Page 8, line 12.
Following: "registered"
Insert: "and the effect of that registration on identification requirements"

7. Page 9, line 2.
Following: "identification"
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification,"
Strike: "and current address"

8. Page 9, line 3.
Following: "paycheck,"
Insert: "notice of confirmation of voter registration issued pursuant to 13-2-207,"

9. Page 9, line 6.

Following: "identification"
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification,"
Strike: "and current address"

10. Page 19, line 6.
Strike: "and current address"

11. Page 19, lines 7 through 8.
Strike: "or if" on line 7 through "register" on line 8
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification"

12. Page 19, line 9.
Following: "paycheck,"
Insert: "notice of confirmation of voter registration issued pursuant to 13-2-207,"

13. Page 19.
Following: line 10
Insert: "(b) An elector who provides the information listed in subsection (1)(a) may sign the precinct register and shall be provided a regular ballot to vote."
Renumber: subsequent subsections

14. Page 19, line 11.
Following: "If"
Insert: "the information provided in subsection (1)(a) differs from information in the precinct register but "

15. Page 19, line 12.
Following: "vote"
Insert: "pursuant to 13-2-512"

16. Page 20, lines 13 through 14.
Strike: "and current" on line 13 through "enclose" on line 14
Insert: "or"

17. Page 20, line 15.
Following: "paycheck, "
Insert: "notice of confirmation of voter registration issued pursuant to 13-2-207,"

18. Page 21, line 15.
Strike: "and address"
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification"

19. Page 21, lines 15 through 16.
Strike: "or" on line 15 through "current" on line 16
Strike: "also" on line 16

20. Page 21, line 17.
Following: "paycheck,"
Insert: "notice of confirmation of voter registration issued pursuant to 13-2-207,"

21. Page 22, line 14.
Insert: "(3) If ballots are sent more than 30 days before an election, the election administrator shall include a notice that the voter information pamphlet, when required to be distributed, will be provided pursuant to 13-27-14."

22. Page 22, line 17.
Following: "ballot"
Insert: ", using only a standardized form provided by rule by the secretary of state,"

23. Page 24, line 30.
"Section 31. Section 13-13-232, MCA, is amended to read:
"13-13-232. Delivery of ballots, secrecy envelopes, and return envelopes to election judges -- ballots to be rejected. (1) If the absentee ballot is received prior to delivery of the official ballots to the election judges, the election administrator shall open the return envelopes and process according to 13-13-241 then deliver the unopened ~~return~~ secrecy envelope to the judges at the same time that the ballots are delivered. ~~The return envelopes must be opened and the ballots processed according to the procedures described in 13-13-241.~~

(2) If absentee ballots are received after the ballots are delivered to the election judges but prior to the close of the polls, the election administrator shall process the return envelopes according to subsection (1) then immediately deliver the unopened ~~return~~ secrecy envelopes to the judges. ~~The return envelopes must be opened and the ballots processed according to the procedures described in 13-13-241.~~

(3) If the election administrator receives an absentee ballot for which an application or request was not made or

received as required by this part, the election administrator shall endorse upon the elector's envelope the date and exact time of receipt and the words "to be rejected". Absentee ballots endorsed in this manner must be retained by the election administrator and placed with the proper records when they are returned to the election administrator."
{*Internal References to 13-13-232: None.*}
Renumber: subsequent sections

24. Page 25, line 2.
Strike: "**while polls open**"

25. Page 25, line 3.
Strike: "While the polls are open, the election judges may"
Insert: "As soon as an absentee ballot is received, an election administrator shall"

26. Page 25, line 7.
Strike: "judges shall"
Insert: "administrator or election judge shall open the outer return envelope and"

27. Page 27, lines 6 through 8.
Strike: subsection (1) in its entirety
Insert: "(1) To verify eligibility to vote, an elector who cast a provisional ballot in person must provide information to the election administrator as listed below:"

(a) present in person at the office of the election administrator a photo identification or other identifying document as described in 13-13-114 (1)(a); or

(b) mail in a self-addressed return envelope provided by the election administrator a copy or nonreturnable original document described in 13-13-114 (1)(a) or send by facsimile or electronic mail a copy or scanned document that meets the identification requirements of 13-13-114 (1)(a). If the elector mails a document, the postmark on the envelope must be for the day of the election or the day following the election.

28. Page 27.
Following: line 8
Insert: "(2) The election administrator shall determine prior to an election whether absentee voters have provided sufficient identification to allow a ballot to be counted. If the information is insufficient, the election administrator shall follow procedures described in 13-13-241 to allow an absentee elector who failed to provide proper identifying information in the outer return envelope to verify eligibility to vote. An absentee elector whose ballot is

determined to be provisional has until 5 p.m. on the day after the election to provide valid identification information either in person, by mail, by facsimile or by electronic mail, as provided in subsection (1)"

Renumber: subsequent subsections

29. Page 27, line 10.
Strike: "section"
Insert: "sections 22 and"

30. Page 25, line 12.
Following: "35]."
Insert: "The election administrator shall notify the absentee elector by mail that the elector's identification information was insufficient and that the elector's ballot would be treated as a provisional ballot until the elector provided sufficient information, pursuant to rules adopted by the secretary of state. The election administrator shall provide a self-addressed return envelope along with the information necessary for the absentee elector to reclassify the provisional ballot as a regular ballot."

31. Page 31, line 9.
Strike: "13-2-112,"
Strike: "13-2-207,"

32. Page 31, line 20.
Insert: "NEW SECTION. **Section 45. {standard} Effective date.** [This act] is effective January 1, 2004."

- END -

Exhibit: 10

This exhibit _____

exceed the amount of pages that can be scanned.

If you wish to view this exhibit,
It is on file at the
Montana Historical Society
225 North Roberts Street
Helena, MT 59601
(406) 444-4774

ROLL CALL

SENATE COMMITTEE: State Administration **DATE: March 17, 2003**

NAME	PRESENT	ABSENT	EXCUSED
Senator John Cobb, Chairman	X		
Senator Mike Sprague, Vice Chairman	X		
Senator Kelly Gebhardt	X		
Senator Carolyn Squires	X		
Senator Mike Wheat	X		
Pat Murdo, Legislative Services	X		
Mona Spaulding, Secretary	X		

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN JOHN COBB**, on March 19, 2003 at 2:30 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:
Sen. John Cobb, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Kelly Gebhardt (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Lisa Gallagher, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

Committee Business Summary:

Hearing & Date Posted:	SR 4, 3/15/2003; SR 5, 3/15/2003; HB 609, 2/28/2003; HJR 30, 2/28/2003; HB 201, 2/24/2003; HB 548, 2/24/2003
Executive Action:	HJR 30; HB 201; HB 548; HB 190

HEARING ON SR 4

Opening Statement:

{Tape: 1; Side: A; Approx. Time Counter: 0.9 - 4.7}

Governor Judy Martz said that **John Mercer** has a very broad base, knows a lot and she has been very pleased with his work on the

Questions from Committee Members and Responses:

SEN. WHEAT asked **Janice Doggett** if this account allows the money to go to the counties. **Janice Doggett** said that is correct and the money goes to help counties replace punch card ballots.

Closing by Sponsor:

REP. JENT closed.

EXECUTIVE ACTION ON HB 548

Motion/Vote: SEN. SPRAGUE moved that HB 548 BE CONCURRED IN. Motion carried 4-0 with SEN. SQUIRES excused, by voice vote.

EXECUTIVE ACTION ON HB 190

Motion: SEN. COBB moved that HB 190 BE CONCURRED IN.

Motion: SEN. COBB moved that HB 190 BE AMENDED.

Discussion:

Pat Murdo explained to the Committee the amendment.
EXHIBIT(sts58a07)

Janice Doggett and **Brad Martin** agreed on a conceptual amendment that was included in Exhibit 7.
EXHIBIT(sts58a07)

Motion/Vote: SEN. COBB moved that HB 190 BE AMENDED. Motion carried 5-0, by voice vote.

Motion: SEN. WHEAT moved that HB 190 BE AMENDED.

Discussion:

{Tape: 4; Side: A; Approx. Time Counter: 0 - 3.5}

SEN. WHEAT explained to the Committee his amendment. He wants to comply with HAVA and only have first time voters show an ID instead of every voter.

Motion/Vote: SEN. WHEAT moved that HB 190 BE AMENDED. Motion failed 2-3 with SEN. SQUIRES and WHEAT voting aye, by voice vote.

Motion: SEN. WHEAT moved that HB 190 BE AMENDED.

Discussion:

SEN. WHEAT explained to the Committee what his amendment would do. It would amend section 25 the part dealing with an ID requirement for an absentee ballot to address what HAVA requires.

Motion/Vote: SEN. WHEAT moved that HB 190 BE AMENDED. Motion failed 2-3 with SEN. SQUIRES and WHEAT voting aye, by voice vote.

Motion: SEN. WHEAT moved that HB 190 BE AMENDED.

Discussion:

SEN. WHEAT explained that the amendment would make sure that absentee ballots were received 45 days before an election instead of 30 days before.

Motion/Vote: SEN. WHEAT moved that HB 190 BE AMENDED. Motion failed 2-3 with SEN. SQUIRES and WHEAT voting aye, by voice vote.

Motion: SEN. COBB moved HB 190 BE AMENDED.

Discussion:

SEN. COBB explained that on page 25 line 15 the words "on election day" need to be included and that the word "return" be struck and "secrecy" inserted.

Motion/Vote: SEN. COBB moved that HB 190 BE AMENDED. Motion carried 5-0, by voice vote.

Motion/Vote: SEN. COBB moved that HB 190 BE CONCURRED IN AS AMENDED. Motion carried 3-2 with SEN. SQUIRES and WHEAT voting no, by voice vote.

Exhibit 8 was handed out to the Committee at the last meeting.
EXHIBIT(sts58a08)

EXHIBIT 7
DATE 3/19/03
HB 190

Amendments to House Bill No. 190
3rd Reading Copy

Requested by Representative Cindy Younkin

For the Senate State Administration Committee

Prepared by Pat Murdo
March 20, 2003 (10:36am)

1. Title, page 1, line 24.
Following: "13-13-214,"
Insert: "13-13-232,"

2. Title, page 1, line 26.
Following: ";"
Strike: "AND"
Strike: "13-2-112,"

3. Title, page 1, line 27.
Strike: "13-2-207,"

4. Title, page 1, line 28.
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

5. Page 8, line 12.
Following: "registered"
Insert: "and the effect of that registration on identification requirements"

6. Page 9, line 2.
Following: "identification"
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification,"
Strike: "and current address"

7. Page 9, line 6.
Following: "identification"
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification,"
Strike: "and current address"

8. Page 19, line 6.
Strike: "and current address"

9. Page 19, lines 7 through 8.
Strike: "or if" on line 7 through "register" on line 8
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification"

10. Page 19, line 9.
Following: "paycheck,"
Insert: "notice of confirmation of voter registration issued pursuant to 13-2-207,"

11. Page 19.
Following: line 10
Insert: "(b) An elector who provides the information listed in subsection (1)(a) may sign the precinct register and must be provided with a regular ballot to vote."
Renumber: subsequent subsections

12. Page 19, line 11.
Following: "If"
Insert: "the information provided in subsection (1)(a) differs from information in the precinct register but"

13. Page 19, line 12.
Following: "vote"
Insert: "pursuant to 13-2-512"

14. Page 20, line 6.
Strike: "35"
Insert: "36"

15. Page 20, lines 13 through 14.
Strike: "and current" on line 13 through "enclose" on line 14
Insert: "or"

16. Page 20, line 15.
Following: "paycheck, "
Insert: "notice of confirmation of voter registration issued pursuant to 13-2-207,"

17. Page 20, line 20.
Strike: "35"
Insert: "36"

18. Page 20, line 28.
Strike: "35"
Insert: "36"

19. Page 21, line 15.
Strike: "and address"
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification"

20. Page 21, lines 15 through 16.
Strike: "or" on line 15 through "current" on line 16
Strike: "also" on line 16

21. Page 21, line 17.
Following: "paycheck,"
Insert: "notice of confirmation of voter registration issued pursuant to 13-2-207,"

22. Page 22, line 4.
Strike: "35"
Insert: "36"

23. Page 22, line 14.
Insert: "(3) If ballots are sent more than 30 days before an election, the election administrator shall include a notice that the voter information pamphlet, when required to be distributed, will be provided pursuant to 13-27-410."

24. Page 22, line 17.
Following: "ballot"
Insert: ", using only a standardized form provided by rule by the secretary of state,"

25. Page 23, line 11.
Strike: "(2)"
Insert: "(3)"
Following: "shall"
Insert: ":
(a)"

26. Page 23, line 12.
Following: "administrator"
Insert: ";"
Strike: "or"
Insert: "(b)"

Following: "administrator"
Strike: "."

Insert: "; or
(c) hand the application to a third party for delivery to the election administrator, if the person receiving the ballot application provides to the elector a receipt in a form designated by the secretary of state.
(2)"
Renumber: subsequent subsections

27. Page 24, line 30.
Insert: "Section 31. Section 13-13-232, MCA, is amended to read:
"13-13-232. Delivery of ballots, secrecy envelopes, and return envelopes to election judges -- ballots to be rejected. (1) If the absentee ballot is received prior to delivery of the official ballots to the election judges, the election administrator shall compare signatures on the return envelope for validity, open the outer return envelope to determine whether proof of identity is included, process it according to 13-13-241, and then deliver the unopened ~~return~~ secrecy envelope to the judges at the same time that the ballots are delivered. ~~The return envelopes must be opened and the ballots processed according to the procedures described in 13-13-241.~~
(2) If absentee ballots are received after the ballots are delivered to the election judges but prior to the close of the polls, the election administrator shall process the return envelopes according to subsection (1) and shall then immediately deliver the unopened return envelopes to the judges. ~~The return envelopes must be opened and the ballots processed according to the procedures described in 13-13-241.~~
(3) If the election administrator receives an absentee ballot for which an application or request was not made or received as required by this part, the election administrator shall endorse upon the elector's envelope the date and exact time of receipt and the words "to be rejected". Absentee ballots endorsed in this manner must be retained by the election administrator and placed with the proper records when they are returned to the election administrator."
{*Internal References to 13-13-232: None.*}"

28. Page 25, line 2.
Strike: "while polls open"

29. Page 25, line 3.
Strike: "While the polls are open, the election judges may"
Insert: "As soon as an absentee ballot is received, an election administrator shall"

30. Page 25, line 7.

Strike: "judges shall"
Insert: "administrator or election judge shall open the outer return envelope and"

31. Page 25, line 12.
Strike: "35"
Insert: "36"
Following: "."
Insert: "The election administrator shall notify the absentee elector by mail that the elector's identification information was insufficient and that the elector's ballot will be treated as a provisional ballot until the elector provides sufficient information, pursuant to rules adopted by the secretary of state. The election administrator shall provide a self-addressed return envelope along with the information necessary for the absentee elector to reclassify the provisional ballot as a regular ballot."

32. Page 25, line 15.
Strike: "The"
Insert: "On election day, the"
Strike: "return"
Insert: "secrecy"

33. Page 26, line 8.
Strike: "35"
Insert: "36"

34. Page 27, lines 6 through 8.
Strike: subsection (1) in its entirety
Insert: "(1) To verify eligibility to vote, an elector who casts a provisional ballot in person shall provide information to the election administrator as listed below:

(a) present in person at the office of the election administrator by 5 p.m. on the day after the election a photo identification or other identifying document as described in 13-13-114(1)(a);

(b) send by facsimile or electronic mail by 5 pm. on the day after the election a copy or scanned document that meets the identification requirements of 13-13-114(1)(a); or

(c) mail a copy or nonreturnable original document described in 13-13-114(1)(a) in a self-addressed return envelope provided by the election administrator. If the elector mails a document, the postmark on the envelope must be for the day of the election or the day following the election.

(2) The election administrator shall determine prior to an election whether an absentee voter has provided sufficient identification to allow a ballot to be counted. If the information is insufficient, the election administrator shall follow procedures described in 13-13-241 to allow an absentee

elector who failed to provide proper identifying information in the outer return envelope to verify eligibility to vote. An absentee elector whose ballot is determined to be provisional has until 5 p.m. on the day after the election to provide valid identification information either in person, by facsimile, by electronic mail, or by mail postmarked on the day of the election or the day after the election."
Renumber: subsequent subsections

35. Page 27, line 10.
Strike: "23"
Insert: "24"

36. Page 31, line 9.
Strike: "13-2-112,"
Strike: "13-2-207,"

37. Page 31, line 18.
Strike: "35"
Insert: "36"

38. Page 31, line 19.
Strike: "35"
Insert: "36"

39. Page 31, line 20.
Insert: "NEW SECTION. **Section 46. {standard} Effective date.** [This act] is effective January 1, 2004."

- END -

2:30pm | 3/19/03 Sen. St. Admin.

Confirmation of Jon Mercier
SR: 4

.9-
4.7 Gov – intro. to Jon Mercier-
broad base – knows a lot – been
pleased w/ his work on board – brings
a different aspect.
Christian Hur – Students rep. – continue
continuity. continuity. – traveled to
all universities – to listen to concerns.
-asking for an extension – serve 3 yrs attg.

Jon Mercier

?s
5.1 Sg – Votech & Com Colleges – strong adv.
believe they do anything diff.? or should
JM – 2 yr school are taking a back
seat – board has tried to elevate
2 yr school – a lot more will be
done w/ 2 yr. – a lot can be done
-need to be brought forward to dialogue.
Sg – tech. school reg dev. tool?
JM – all edu. is! can
Sg – accomplishments for 2 yrs. so far? on board
JM – would like to acc more –
1st on B of R – 1% surcharge approve.

2:15

Whit - Janice - account that $ goes to counties.

Janice - that is correct $ for punch card buy outs.

Close -

HB: 548 Ev Ac

Spr - move 4-0

Gaer - carry.

Ex Ac

HB: 190

Cobb - do concur

amend - ex:

Fab - explained the amend

Cobb - do amendments.

Wheat - Janice - further refine amend.

J - yes.

5-0 amend passes

Janice amendments - conceptual - explained amend.

Brad - in favor of amendments.

Cobb - move amend. 5-0 pass.

Wheat - amendments - explained his amend.

- wants to comply w/ HAVA - only 1st time voters id. Wheat - moved amend.
Cobb - no Sprague - Euer - no
fails 3-2

tape 4

Wheat amendments Sec. 25 -
id req. for absentee ballots. - comply w/ HAVA -

Wheat - move.
no - Cobb - Sp. & Eaton
fails - 3-2

pg. 22. Wheat amend. - receive ballots 45 days instead of 30 days.
Wheat move.
no - Cobb, Sprague - Eaton
3-2 fails

pg. 25 line 15 - Cobb explained amend - need to include "secretary"
Janice - yes coordinates w/ HB 155.
Cobb - move 5-0 passes

HB: 190
Cobb - do concur as amended
Wirth, Sg - no
Cobb - carry. 3-2 passes.

ROLL CALL

SENATE COMMITTEE: State Administration **DATE: March 19, 2003**

NAME	PRESENT	ABSENT	EXCUSED
Senator John Cobb, Chairman	X		
Senator Mike Sprague, Vice Chairman	X		
Senator Kelly Gebhardt	X		
Senator Carolyn Squires	X		
Senator Mike Wheat	X		
Pat Murdo, Legislative Services	X		
Mona Spaulding, Secretary	X		

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 190** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____
Senator John Cobb, Chair

To be carried by Senator John Cobb

And, that such amendments read:

1. Title, page 1, line 24.
Following: "13-13-214,"
Insert: "13-13-232,"

2. Title, page 1, line 26.
Following: ";"
Strike: "AND"
Strike: "13-2-112,"

3. Title, page 1, line 27.
Strike: "13-2-207,"

4. Title, page 1, line 28.
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

5. Page 8, line 12.
Following: "registered"
Insert: "and the effect of that registration on identification requirements"

Committee Vote:
Yes 3, No 2.

6. Page 9, line 2.
Following: "identification"
Insert: ", including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification,"
Strike: "and current address"

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~~according to the procedures described in 13-13-241.~~

(2) If absentee ballots are received after the ballots are delivered to the election judges but prior to the close of the polls, the election administrator shall process the return envelopes according to subsection (1) and shall then immediately deliver the unopened return envelopes to the judges. ~~The return envelopes must be opened and the ballots processed according to the procedures described in 13-13-241.~~

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Following: "."
Insert: "The election administrator shall notify the absentee elector by mail that the elector's identification information was insufficient and that the elector's ballot will be treated as a provisional ballot until the elector provides sufficient information, pursuant to rules adopted by the secretary of state. The election administrator shall provide a self-addressed return envelope along with the information necessary for the absentee elector to reclassify the provisional ballot as a regular ballot."

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Strike: "The"
Insert: "On election day, the"
Strike: "return"
Insert: "secrecy"

33. Page 26, line 8.
Strike: "35"
Insert: "36"

34. Page 27, lines 6 through 8.
Strike: subsection (1) in its entirety
Insert: "(1) To verify eligibility to vote, an elector who casts a provisional ballot in person shall provide information to the election administrator as listed below:

(a) present in person at the office of the election administrator by 5 p.m. on the day after the election a photo identification or other identifying document as described in 13-13-114(1)(a);

(b) send by facsimile or electronic mail by 5 pm. on the day after the election a copy or scanned document that meets the identification requirements of 13-13-114(1)(a); or

(c) mail a copy or nonreturnable original document described in 13-13-114(1)(a) in a self-addressed return envelope provided by the election administrator. If the elector mails a document, the postmark on the envelope must be for the day of the election or the day following the election.

(2) The election administrator shall determine prior to an election whether an absentee voter has provided sufficient identification to allow a ballot to be counted. If the information is insufficient, the election administrator shall follow procedures described in 13-13-241 to allow an absentee elector who failed to provide proper identifying information in the outer return envelope to verify eligibility to vote. An absentee elector whose ballot is determined to be provisional has until 5 p.m. on the day after the election to provide valid identification information either in person, by facsimile, by electronic mail, or by mail postmarked on the day of the election or the day after the election."
Renumber: subsequent subsections

35. Page 27, line 10.
Strike: "23"
Insert: "24"

36. Page 31, line 9.
Strike: "13-2-112,"
Strike: "13-2-207,"

37. Page 31, line 18.
Strike: "35"
Insert: "36"

38. Page 31, line 19.
Strike: "35"
Insert: "36"

39. Page 31, line 20.
Insert: "NEW SECTION. **Section 46. Effective date.** [This act] is effective January 1, 2004."

- END -

FREE CONFERENCE COMMITTEE

on House Bill 190

Report No. 1, April 16, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 190** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

For the House:

Rep. Cindy Younkin, Vice-Chair

Rep. Daniel Hurwitz

Rep. Jonathan Windy Boy

Amendment Coordinator

Chief Clerk of the House

For the Senate:

Sen. John Cobb, Chair

Sen. Mike Sprague

Sen. Carolyn Squires

And, recommend that **House Bill 190** (reference copy -- salmon) be accepted by the House.

- END -

ADOPT

REJECT

Amendment # HB 190-1

FCCR #1

820939FC.hhn

AN ACT GENERALLY REVISING ELECTION LAWS; CLARIFYING THE TIMES FOR HOLDING SPECIAL ELECTIONS; IMPLEMENTING THE PROVISIONS OF THE HELP AMERICA VOTE ACT CONCERNING A STATEWIDE VOTER REGISTRATION LIST, INFORMATION SHARING, AND PROVISIONAL VOTING; PROVIDING THAT ALL ELECTORS MUST PRESENT IDENTIFICATION BEFORE VOTING; PROVIDING THAT A CANDIDATE MAY NOT FILE FOR MORE THAN ONE OFFICE; REQUIRING THAT A DECLARATION OF INTENT FILED BY A WRITE-IN CANDIDATE IS NOT VALID UNTIL THE FILING FEE IS PAID; REVISING PROVISIONS REGARDING VOTER INSTRUCTIONS THAT MUST BE DISPLAYED; REVISING WHEN ABSENTEE BALLOTS MUST BE AVAILABLE; REQUIRING THAT AN APPLICATION FOR AN ABSENTEE BALLOT INCLUDE THE ELECTOR'S BIRTH DATE; CLARIFYING HOW ABSENTEE BALLOT APPLICATIONS MUST BE PROVIDED TO THE ELECTION ADMINISTRATOR; PROVIDING THAT VOTING INSTRUCTIONS BE ENCLOSED WITH ABSENTEE BALLOT MAILINGS IRRESPECTIVE OF WHETHER THE ELECTOR IS OUT OF THE STATE; PROVIDING THAT STATE EMPLOYEE TIME MAY BE SPENT ON THE YOUTH VOTING PROGRAM; REVISING THE TIME WITHIN WHICH A CANVASSING BOARD IS REQUIRED TO MEET TO CANVASS THE RETURNS; PROVIDING THAT THE VOTER INFORMATION PAMPHLET MAY BE ADDRESSED TO THE CURRENT RESIDENT AT AN ADDRESS; REVISING THE TIME BY WHICH THE VOTER INFORMATION PAMPHLET MUST BE MAILED; ELIMINATING CERTAIN CHALLENGES TO AN ELECTOR'S ELIGIBILITY TO VOTE; AMENDING SECTIONS 13-1-101, 13-1-104, 13-1-301, 13-2-115, 13-2-116, 13-2-122, 13-2-123, 13-2-205, 13-2-220, 13-2-402, 13-2-513, 13-2-514, 13-2-601, 13-10-201, 13-10-211, 13-13-112, 13-13-114, 13-13-201, 13-13-204, 13-13-205, 13-13-212, 13-13-213, 13-13-214, 13-13-232, 13-13-241, 13-13-301, 13-14-112, 13-14-113, 13-15-111, 13-15-401, 13-15-402, 13-19-313, 13-22-107, 13-27-410, AND 13-37-250, MCA; REPEALING SECTIONS 13-2-114, 13-2-202, 13-2-203, 13-2-219, 13-2-403, 13-2-404, 13-2-515, 13-2-603, 13-13-304, 13-13-305, 13-13-306, 13-13-307, 13-13-309, 13-13-310, AND 13-13-311, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means ~~a qualified~~ an elector who voted in the previous federal general election and whose name is on the active list.

(2) "Active list" means a list of active electors maintained ~~by an election administrator~~ pursuant to ~~13-2-219~~ 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a ~~completed~~ voter registration ~~card~~ form prescribed by the secretary of state that is completed and signed by an elector, submitted to the election administrator, and contains voter registration information subject to ~~confirmation,~~ verification as provided ~~in 13-2-207~~ by law.

(5) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(6) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the

personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private ~~residence~~ residences for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or

(iv) filing fees paid by the candidate.

(7) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(8) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

(9) "Elector" means an individual qualified ~~and registered~~ to vote under state law.

(10) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (6);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees.

(11) "Federal election" means a general or primary election in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(12) "General election" or "regular election" means an election held for the election of public officers

throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(13) "Inactive elector" means an individual who failed to vote in the preceding federal general election and whose name ~~is~~ was placed on an inactive list pursuant to 13-2-220.

(14) "Inactive list" means a list of inactive electors maintained ~~by an election administrator~~ pursuant to ~~13-2-219~~ 13-2-220.

(15) "Individual" means a human being.

(16) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon approval by the secretary of state of the form of the petition or referral.

(17) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

~~(17)~~(18) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (5).

~~(18)~~(19) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

~~(19)~~(20) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

~~(20)~~(21) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

(22) "Provisional ballot" means a ballot cast by an elector whose identity and eligibility to vote have not been verified as provided by law.

(23) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose eligibility has not yet been verified as provided by law.

~~(21)~~(24) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(22)~~(25) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(23)~~(26) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(27) "Statewide voter registration list" means the voter registration list established and maintained pursuant to [sections 4 and 5].

(28) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.

~~(24)~~(29) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Section 2. Section 13-1-104, MCA, is amended to read:

"13-1-104. Times for holding general elections. (1) (a) ~~A~~ Except as provided in subsection (1)(b), a general election must be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election~~, unless an earlier~~

~~date is provided in a law authorizing a special election on an initiative or referendum pursuant to Article III, section 6,~~ and to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(b) A special election may be held on an earlier date provided in a law authorizing a special statewide election on an initiative or referendum pursuant to Article III, section 6, of the Montana constitution.

(2) A general election must be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision, other than a municipality, required to hold elections annually ~~shall~~ must be held on school election day, the first Tuesday after the first Monday of May of each year, and is subject to the election procedures provided for in 13-1-401.

(4) The general election for a municipality required to hold elections annually may be held either on school election day, as provided in subsection (3), or on the first Tuesday after the first Monday in November, at the discretion of the governing body."

Section 3. Section 13-1-301, MCA, is amended to read:

"**13-1-301. Election administrator.** (1) The county clerk and recorder of each county is the election administrator unless the governing body of the county designates another official or appoints an election administrator.

(2) The election administrator is responsible for the administration of all procedures relating to registration of electors and conduct of elections, ~~and~~ shall keep all county records relating to elector registration and elections, and is the primary point of contact for the county with respect to the statewide voter registration list and implementation of other provisions of applicable federal law governing elections.

(3) The election administrator may appoint a deputy election administrator for each political subdivision required to hold annual elections under the provisions of 13-1-104(3). Each election administrator or deputy election administrator is responsible for the conduct of the annual elections of ~~such~~ the political subdivision, as

provided by 13-1-401."

Section 4. Statewide voter registration database -- information-sharing agreements. (1) The secretary of state shall establish, in a uniform and nondiscriminatory manner, a single official, centralized, and interactive computerized statewide voter registration database that meets the requirements of 42 U.S.C. 15483.

(2) (a) The statewide voter registration database must be used as the official list of registered electors for the conduct of all elections subject to this title.

(b) The database must contain the name and registration information of each registered elector.

(c) Each election administrator must be provided with immediate electronic access to the database.

(d) The secretary of state shall provide the technical support required to assist election administrators to enter, maintain, and access information in the statewide voter registration database.

(3) As provided in 42 U.S.C. 15483:

(a) the secretary of state and the attorney general shall enter into an agreement to match information in the statewide voter registration list with information in the motor vehicle licensing database to the extent required to verify voter registration information; and

(b) the attorney general shall enter into an agreement with the United States commissioner of social security for the purpose of verifying voter registration information.

Section 5. Rulemaking for statewide voter registration list. (1) The secretary of state shall adopt rules to implement the provisions of 42 U.S.C. 15483 and this chapter.

(2) The rules must include but are not limited to:

(a) a list of maintenance procedures, including new data entry, updates, registration transfers, and other procedures for keeping information current and accurate;

(b) proper maintenance and use of active and inactive lists;

(c) proper maintenance and use of lists for legally registered electors and provisionally registered electors;

(d) procedures and timelines to be used by election administrators when providing the information required in 13-2-123;

(e) technical security of the statewide voter registration database;

(f) information security with respect to keeping from general public distribution driver's license numbers, whole or partial social security numbers, and address information protected from general disclosure pursuant to 13-2-115; and

(g) quality control measures for the system and system users.

Section 6. Rulemaking on sufficiency and verification of voter registration information. (1) The secretary of state shall adopt rules:

(a) to implement the provisions of [section 7] and this section concerning how election administrators determine whether the information provided by an elector on an application for voter registration is:

(i) sufficient to be accepted and processed; or

(ii) insufficient to be accepted and processed;

(b) establishing procedures for verifying the accuracy of voter registration information;

(c) establishing standards for determining whether an elector may be legally registered or provisionally registered and the effect of that registration on identification requirements; and

(d) establishing procedures for notifying electors about the status of their applications and registration.

(2) The rules may not conflict with 42 U.S.C. 15301, et seq., or 13-2-208.

Section 7. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes. (1) An individual may apply for voter registration in person or by mail by completing and signing an application for voter registration and providing the application to the election administrator in the county in which the elector resides before the close of registration as provided in 13-2-301.

(2) An individual applying by mail shall send the application to the election administrator, postage paid, no later than 15 days after the date it is signed. An application for voter registration properly executed and postmarked on or before the day registration is closed must be accepted for 3 days after the close of registration.

(3) Each application for voter registration must be accepted and processed as provided in rules adopted under [section 6].

(4) Except as provided in subsection (5):

(a) an applicant for voter registration shall provide the applicant's driver's license number; or

(b) if the applicant does not have a driver's license, the applicant shall provide the last four digits of the

applicant's social security number.

(5) If an applicant does not have a driver's license or social security number:

(a) an applicant appearing in person before the election administrator shall provide:

(i) current and valid photo identification, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, with the individual's name; or

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(b) an applicant applying to register by mail shall also enclose a copy of:

(i) a current and valid photo identification, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, with the individual's name; or

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(6) (a) If information provided on an application for voter registration is sufficient to be accepted and processed and is verified pursuant to rules adopted under [section 6], the election administrator shall register the elector as a legally registered elector.

(b) If information provided on an application for voter registration was sufficient to be accepted but the applicant failed to provide the information required in subsection (4) or (5) or if the information provided was incorrect or insufficient to verify the individual's eligibility to vote, the election administrator shall register the applicant as a provisionally registered elector.

(7) Each applicant for voter registration must be notified of the elector's registration status pursuant to rules adopted under [section 6].

(8) The secretary of state shall assign to each elector whose application was accepted a unique identification number for voting purposes and shall establish a statewide uniform method to allow the secretary of state and local election officials to distinguish legally registered electors from provisionally registered electors.

(9) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-212, 13-2-215, 13-2-221, and 61-5-107 and as provided for in federal law.

Section 8. Section 13-2-115, MCA, is amended to read:

"**13-2-115. ~~Registration~~ Certification of statewide voter registration list -- local lists to be prepared.** (1) ~~Except as provided in subsections (6) and (7), immediately~~ Immediately after registration is closed, the secretary of state shall certify the official statewide voter registration list.

(2) Each election administrator shall ~~prepare and~~ have printed from the certified statewide voter registration database lists of all registered electors in each precinct in the county. ~~Names~~ Except as provided in subsections (5) and (6), names of electors must be listed alphabetically, with their residence address or with a mailing address if located where street numbers are not used. ~~A preliminary list of registered electors may be printed before the close of registration for an election. If a preliminary list is printed, a supplementary list must be printed after the close of registration.~~

~~(2)~~(3) A copy of the list of registered ~~voters~~ electors in a precinct must be displayed at the precinct's polling place. Extra copies of the lists must be retained by the election administrator and furnished to an elector upon request.

~~(3) The list of registered electors prepared for a primary election may be used for the general election if a supplemental list giving the additions and deletions since the primary list was prepared is printed. The election administrator may prepare lists for a special election, but lists are not required to be printed for special elections.~~

(4) Lists of registered ~~voters~~ electors need not be printed if the election will not be held.

~~(5) The election administrator shall forward a list of all registered electors in the county to the secretary of state, as provided in 13-2-123. The secretary of state shall use the lists submitted by election administrators to compile and maintain a list of all registered electors in the state. Upon written request, the secretary of state shall furnish to any elector, for noncommercial use, a current list of registered electors. Upon delivery of the list to the elector, the secretary of state shall charge and collect a fee, which must be set and deposited in accordance with 2-15-405.~~

~~(6)~~(5) If a law enforcement officer or reserve officer, as defined in 7-32-201, requests in writing that, for security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's, not be disclosed, the ~~registrar~~ secretary of state or an election administrator may not include the address on any generally available list of registered ~~voters~~ electors but may list only the ~~name or~~ electors' names.

~~(7)~~(6) (a) Upon the request of an individual, the secretary of state or an election administrator may not

include the individual's residential address on any generally available list of registered ~~voters~~ electors but may list only the elector's name ~~or names~~ if the individual:

(i) proves to the election administrator, as provided in subsection (6)(b), that the individual, or a minor in the custody of the individual, has been the victim of partner or family member assault, stalking, custodial interference, or other offense involving bodily harm or threat of bodily harm to the individual or minor; or

(ii) proves to the election administrator, as provided in subsection (6)(c), that a temporary restraining order or injunction has been issued by a judge or magistrate to restrain another person's access to the individual or minor.

(b) Proof of the victimization is conclusive upon exhibition to the election administrator of a criminal judgment, information and judgment, or affidavit of a county attorney clearly indicating the conviction and the identity of the victim.

(c) Proof of the issuance of a temporary restraining order or injunction is conclusive upon exhibition to the election administrator of the temporary restraining order or injunction."

Section 9. Section 13-2-116, MCA, is amended to read:

"**13-2-116. Precinct register.** (1) Before each election, the election administrator shall prepare from the certified statewide voter registration list a precinct register for each precinct in the county for use by the election judges. The register must contain an alphabetical list of the names, with addresses, of the legally registered electors and provisionally registered electors, a space for the signature of the elector, and ~~such~~ other information as prescribed by the secretary of state.

(2) If some of the electors in a precinct are not eligible to receive all ballots at an election because of a combination of the elections of more than one political subdivision, the election administrator shall distinguish the names of those eligible for each ballot by whatever method will be clear and efficient.

(3) When several precincts have been combined at one polling place for an election, the election administrator may combine the electors from all precincts into one register or may provide separate registers for each precinct.

(4) Precinct registers need not be printed if the election will not be held."

Section 10. Section 13-2-122, MCA, is amended to read:

"13-2-122. Charges for registers, elector lists, and mailing labels made available to public. (1) Except as provided in ~~subsections~~ subsection (2) ~~and (3)~~, upon written request, the ~~registrar~~ secretary of state or a local election administrator shall furnish to any elector, for noncommercial use, a copy of the official precinct registers, a current list of legally registered electors, or mailing labels for registered electors. Upon delivery, the ~~registrar~~ secretary of state or the local election administrator may collect a charge not to exceed the actual cost of the register, list, or mailing labels.

~~(2) If the registrar receives in writing from a law enforcement officer or reserve officer, as defined in 7-32-201, a request that, for security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's, not be disclosed, the registrar may not include the address on any register, list, or mailing labels disseminated pursuant to subsection (1).~~

~~(3)~~(2) ~~An~~ For an elector whose address information is protected from general distribution under 13-2-115(5) or (6), the secretary of state or a local election administrator may not include ~~an individual's~~ the elector's residential address on any register, list, or mailing labels but ~~shall~~ may list only the elector's name ~~or names if the individual requests that the individual's address not be used and the individual proves to the election administrator those matters described in 13-2-115(7)(a)(i) or (7)(a)(ii)~~."

Section 11. Section 13-2-123, MCA, is amended to read:

"13-2-123. Election administrator to provide list of electors to secretary of state. (1) The election administrator in each county shall provide to the secretary of state ~~a list by precinct of all registered electors in the county. The list must include~~ the following information, when possible, for each elector:

(a) name;

(b) mailing address;

(c) precinct number;

~~(d) registration number assigned by the county election administrator pursuant to 13-2-114;~~

~~(e)~~(d) residence address;

~~(f)~~(e) telephone number;

(f) driver's license number or last four digits of the elector's social security number;

(g) date of birth;

(h) gender;

(i) legislative house district;

(j) date of registration; ~~and~~

(k) whether the elector's name is on the active or inactive list of electors; and

(l) whether the elector is a legally registered elector or a provisionally registered elector.

(2) The information must be provided in accordance with rules adopted under [section 5].

~~(2) (a) Except as provided in subsection (2)(b), the list provided pursuant to subsection (1) must be a paper copy.~~

~~(b) If the county election administrator also maintains the information in other media, such as on a computer disk or tape, and the secretary of state requests the information in that media, the county election administrator shall also provide the list in that media.~~

~~(3) In odd-numbered years, the list of electors required by subsection (1) must be delivered to the secretary of state by December 15.~~

~~(4) In even-numbered years, the list of electors required by subsection (1) must be delivered to the secretary of state:~~

~~(a) for a primary election, no later than July 1, and the list must indicate any changes made up to and including the date of the June primary; and~~

~~(b) for a general or special election, 30 days prior to the close of registration before the election.~~

~~(5) Each election administrator may provide the secretary of state with a supplemental list of electors in even-numbered years, giving the additions, deletions, and changes made between the time that the previous list was compiled and the close of registration.~~"

Section 12. Section 13-2-205, MCA, is amended to read:

"**13-2-205. Procedure when prospective elector not qualified at time of registration.** An individual who is not eligible to register because of residence or age requirements but who will be eligible on or before election day may ~~register if it appears that he will become qualified to vote by election day~~ apply for voter registration pursuant to [section 7] and be registered subject to verification procedures established pursuant to [section 6]."

Section 13. Section 13-2-220, MCA, is amended to read:

"13-2-220. Maintenance of active and inactive voter registration ~~rolls~~ lists for elections -- rules by secretary of state. (1) The rules adopted by the secretary of state ~~shall adopt rules specifying a list of procedures from which an election administrator shall choose at least one procedure for the maintenance of accurate voter registration rolls for use in elections.~~

~~(2) The procedures specified by the secretary of state~~ under [section 5] must include the following procedures, which an election administrator shall follow in every odd-numbered year:

(a) compare the entire list of registered electors against the national change of address files and provide appropriate confirmation notice to those individuals whose addresses have apparently changed;

(b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to all registered electors of each jurisdiction to confirm their addresses and provide the appropriate confirmation notice to those individuals who return the notices;

(c) mail a targeted mailing to electors who ~~have~~ failed to vote in the preceding federal general election by:

(i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable confirmation notice to those electors who appear to have moved from their addresses of record;

(ii) comparing the list of nonvoters against the national change of address files, followed by the appropriate confirmation notices to those electors who appear to have moved from their addresses of record;

(iii) sending forwardable confirmation notices; or

(iv) making a door-to-door canvass.

~~(3)~~(2) Any notices returned to the election administrator after using the procedures provided in subsection ~~(2)~~ (1) must be followed by an appropriate confirmation notice that is a forwardable, first-class, postage-paid, self-addressed, return notice. If the elector fails to respond within 30 days of the confirmation notice, the election administrator shall move the elector to the inactive list.

~~(4)~~(3) A procedure used by an election administrator pursuant to this section must be completed at least 90 days before a primary or general election for federal office."

Section 14. Section 13-2-402, MCA, is amended to read:

"13-2-402. Reasons for cancellation. The election administrator shall cancel the registration of an elector:

(1) at the written request of the registered elector;

(2) if a certificate of the death of the elector is filed or if the elector is reported as deceased by the department of public health and human services in the department's reports submitted to the county under 50-15-409;

(3) if the elector is of unsound mind as established by a court;

(4) if the incarceration of the elector in a penal institution for a felony conviction is legally established;

(5) if a certified copy of a court order directing the cancellation is filed with the election administrator;

(6) if the elector is successfully challenged and not allowed to vote at an election upon determination of an election judge;

(7) if a notice is received from the secretary of state or from another county or state that the elector has registered in ~~that~~ another county or state; or

(8) if the elector fails to respond to certain confirmation mailings and fails to vote in two consecutive federal general elections."

Section 15. Section 13-2-513, MCA, is amended to read:

"**13-2-513. Procedure for transferring registration.** ~~The~~ Subject to the rules adopted under [section 5], the election administrator shall make the necessary corrections in the registration records ~~in his office~~ when ~~he~~ the election administrator receives a transfer form or corrected registration form ~~if he is satisfied the form is valid. The original registration form may be fastened to the back of the new form, in which case the original and current forms must be retained, or the original registration form may be marked "canceled" and filed in a canceled file~~."

Section 16. Section 13-2-514, MCA, is amended to read:

"**13-2-514. Change of residence to another county.** (1) An elector who changes ~~his~~ residence to a different county within this state ~~must~~ shall register in ~~his~~ the new county of residence in order to vote in any election unless the change occurs less than 45 days before the election.

(2) An elector who changes ~~his~~ residence to a different county 45 days or less before an election may vote in person or by absentee ballot in the precinct and county where previously registered.

~~(3) The elector must state his correct name and residence address and date of residence change when~~

~~offering to vote or when applying for an absentee ballot. The election administrator shall note the information on the elector's registration form if an absentee ballot application is received. The election judges shall note the change of address and date of residence change in the precinct register if the elector votes in person.~~

~~(4)~~(3) The registration information of an elector who votes under the provisions of subsection (2) ~~of this section shall be canceled~~ must be updated in the statewide voter registration list after the election pursuant to rules adopted under [section 5]."

Section 17. Section 13-2-601, MCA, is amended to read:

"13-2-601. ~~Name on~~ Special addendum to precinct register ~~prima facie evidence of right to vote.~~ ~~(1) An elector may not vote at an election mentioned in this title unless his name appears on election day in the copy of the official precinct register furnished by the election administrator to the election judges. The fact that his name appears in the copy of the precinct register is prima facie evidence of his right to vote.~~

~~(2)~~ The name of an elector who has been assigned to vote in a precinct other than the precinct in which ~~he~~ the person is registered, as provided in 13-3-213, must be printed on a special addendum to the precinct register in a form prescribed by the secretary of state. ~~The fact that an elector's name appears on a special addendum to the precinct register is prima facie evidence of his right to vote in the precinct.~~"

Section 18. Section 13-10-201, MCA, is amended to read:

"13-10-201. Declaration for nomination. (1) Each candidate in the primary election, except nonpartisan candidates filing under the provisions of chapter 14, shall send a declaration for nomination to the secretary of state or election administrator. A candidate may not file for more than one office. Each candidate for governor shall send a joint declaration for nomination with a candidate for lieutenant governor.

(2) A declaration for nomination must be filed in the office of:

(a) the secretary of state for placement of a name on the ballot for the presidential preference primary, a congressional office, a state or district office to be voted for in more than one county, a member of the legislature, or a judge of the district court;

(b) the election administrator for a county, municipal, precinct, or district office (other than a member of the legislature or judge of the district court) to be voted for in only one county.

(3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of

an indigent candidate, send with it the documents required by 13-10-203. The declaration for nomination must be acknowledged by an officer empowered to acknowledge signatures or by the officer of the office at which the filing is made.

(4) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by the elector's party.

(5) (a) The declaration for nomination must be in the form and contain the information prescribed by the secretary of state.

(b) A person seeking nomination to the legislature shall provide the secretary of state with a street address, legal description, or road designation to indicate the person's place of residence. If a candidate for the legislature changes residence, the candidate shall, within 15 days after the change, notify the secretary of state on a form prescribed by the secretary of state.

(c) The secretary of state and election administrator shall furnish declaration for nomination forms to individuals requesting them.

(6) Declarations for nomination must be filed no sooner than 135 days before the election in which the office first appears on the ballot and no later than 5 p.m., 75 days before the date of the primary election.

(7) A declaration for nomination form may be sent by facsimile transmission, if a facsimile facility is available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the election administrator or to the secretary of state."

Section 19. Section 13-10-211, MCA, is amended to read:

"13-10-211. Declaration of intent for write-in candidates. (1) Except as provided in subsection (5), a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. The declaration of intent must be filed with the secretary of state or election administrator, depending on where a declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district clerk for a school district office. Except as provided in subsections (2) and (3), the declaration must be filed no later than 5 p.m. on the 15th day before the election and must contain:

(a) (i) the candidate's first and last names;

(ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the candidate's last name;

(iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and

(iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;

(b) the candidate's mailing address;

(c) a statement declaring the candidate's intention to be a write-in candidate;

(d) the title of the office sought;

(e) the date of the election;

(f) the date of the declaration; and

(g) the candidate's signature.

(2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office that the write-in candidate is seeking:

(a) dies;

(b) withdraws from the election; or

(c) is charged with a felony offense.

(3) A person seeking to become a write-in candidate for a trustee position on a school board shall file a declaration of intent no later than 5 p.m. on the 26th day before the election.

(4) The secretary of state shall notify each election administrator of the names of write-in candidates who have filed a declaration of intent with the secretary of state. Each election administrator and school district clerk shall notify the election judges in the county or district of the names of write-in candidates who have filed a declaration of intent.

(5) The requirements in subsection (1) do not apply to a write-in candidate seeking election to an office for which a candidate has not filed a declaration or petition for nomination or a declaration of intent.

(6) A declaration of intent may be sent by facsimile transmission, if a facsimile facility is available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the election administrator or to the secretary of state.

(7) A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the secretary of state or the election administrator."

Section 20. Section 13-13-112, MCA, is amended to read:

"13-13-112. Display of instructions for electors. (1) Instructions for electors on how to prepare their ballots or use machines or devices must be posted in each compartment provided for the preparation of ballots and elsewhere in the polling place.

(2) The instructions must be in easily read type, 18 point or larger, and explain ~~how to~~:

(a) how to obtain ballots for voting;

(b) how to prepare ballots for deposit in the ballot box; ~~and~~

(c) how to obtain a new ballot in place of one spoiled by accident;

(d) how to vote provisionally pursuant to [section 22];

(e) the election date and the hours the polls are open; and

(f) instructions for first-time voters who registered by mail.

(3) If the instructions for use of the machine or device are printed on the machine or device or are part of a ballot package given to each elector, separate instructions need not be posted in the compartment.

(4) Official ballots for the precinct, clearly marked "sample" across the face, ~~shall~~ must be posted in each booth or compartment and in conspicuous places about the polling place in all precincts where paper ballots are used. Diagrams showing the arrangement of the ballot for that precinct ~~shall~~ must be posted in conspicuous places ~~about~~ in the polling place in all precincts using machines or devices."

Section 21. Section 13-13-114, MCA, is amended to read:

"13-13-114. ~~Marking~~ Voter identification and marking precinct register book before elector votes -- provisional voting. (1) (a) Before an elector is permitted to receive a ballot or vote, ~~he shall sign his name on the place designated in the precinct register. Before signing the register, the elector shall state his~~ the elector shall present to an election judge a current photo identification showing the elector's name ~~and current address~~. If the elector does not present photo identification ~~the name or address is not as listed in the precinct register~~, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, the elector shall present a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.

(b) An elector who provides the information listed in subsection (1)(a) may sign the precinct register and must be provided with a regular ballot to vote.

(c) If the information provided in subsection (1)(a) differs from information in the precinct register but an election judge determines the information provided is sufficient to verify the voter's identity and eligibility to vote pursuant to 13-2-512, the elector ~~must~~ may sign the precinct register, complete a transfer form or new registration form to correct the elector's voter registration information, and vote.

(d) ~~The~~ An election ~~judges~~ judge shall write "transfer form" or "registration form" beside the name of any elector submitting a form. ~~No elector may sign the precinct register unless his name and address are the same as shown in the register or the proper corrections have been made.~~

(2) If the information presented under subsection (1) is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot as provided in [section 22].

~~(2)~~(3) If the elector is not able to sign ~~his~~ the elector's name to the precinct register, a fingerprint or other identifying mark may be used.

~~(3)~~(4) If the elector fails or refuses to sign ~~his~~ the elector's name or, if unable to write, fails to provide a fingerprint or other identifying mark, ~~he~~ the elector may ~~not vote~~ cast a provisional ballot as provided in [section 22]."

Section 22. Provisional voting in person. (1) Before being given a ballot, an elector casting a provisional ballot:

(a) must be given information, in a form prescribed by the secretary of state, explaining how to vote provisionally, what information must be provided by the elector to verify the elector's eligibility, and how to determine whether the elector's provisional ballot is or is not counted and, if not, the reasons why;

(b) shall sign an affirmation in a form prescribed by the secretary of state swearing that, to the best of the elector's knowledge, the elector is eligible to vote in the election and precinct and is aware of the penalty for false swearing; and

(c) shall cast and return the provisional ballot to an election judge, who shall place the ballot into an envelope prescribed by the secretary of state for provisional ballots.

(2) A provisional ballot must be handled as provided in [section 36].

(3) An elector making a false affirmation under this section is subject to the penalty for false swearing provided in 45-7-202.

Section 23. Fail-safe and provisional voting by mail. (1) To ensure the election administrator has information sufficient to determine the elector's eligibility to vote, an elector voting by mail may enclose in the outer return envelope, together with the voted ballot in the secrecy envelope, a copy of a current and valid photo identification with the elector's name or a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.

(2) If a provisionally registered elector voting by mail does not enclose with the ballot the information described in subsection (1), if the information provided under subsection (1) is invalid or insufficient to verify the elector's eligibility, or if the elector's name does not appear on the precinct register, the elector's ballot must be handled as a provisional ballot under [section 36].

Section 24. Rulemaking on provisional voting, absentee ballots, and challenged ballots. (1) The secretary of state shall adopt rules to:

(a) implement the provisions of 13-13-114 and [sections 22 through 24] concerning verification of voter identification and eligibility;

(b) establish standards for determining the sufficiency of information provided on absentee ballot return envelopes pursuant to 13-13-241;

(c) implement the provisions of [section 36] on the handling and counting of provisional and challenged ballots, including the establishment of procedures for verifying voter registration and eligibility information with respect to the ballots.

(2) The rules may not conflict with rules established under [section 6].

Section 25. Section 13-13-201, MCA, is amended to read:

"13-13-201. Voting by absentee ballot -- procedures. (1) A ~~qualified~~ legally registered elector or provisionally registered elector is entitled to vote by absentee ballot as provided for in this part.

(2) The elector may vote the absentee ballot by:

(a) marking the ballot in the manner specified;

(b) placing the marked ballot in the secrecy envelope, free of any identifying marks;

(c) placing the secrecy envelope containing one ballot for each election being held in the return and verification envelope;

(d) executing the affidavit printed on the return and verification envelope; and

(e) returning the return and verification envelope with the secrecy envelope containing the ballot or ballots enclosed, as provided in 13-13-221.

(3) (a) The elector may also enclose in the outer return envelope a copy of the elector's photo identification showing the elector's name, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification. If the elector does not enclose a photo identification, the elector shall enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.

(b) If the elector fails to provide the information required under subsection (3)(a) or the information provided is insufficient to verify the elector's identity and eligibility, the elector's ballot must be handled as a provisional ballot."

Section 26. Section 13-13-204, MCA, is amended to read:

"**13-13-204. Authority to vote in person -- printing error or ballot destroyed -- failure to receive ballot -- effect of absentee elector's death.** (1) If an elector has voted by absentee ballot but the absentee ballot contains printing errors or omissions, except that the name of a candidate who has died since the printing of the ballot and that appears on the ballot does not constitute an error or omission, the elector may vote in person in any manner at the elector's polling place.

(2) If an elector does not receive an absentee ballot or if the absentee ballot was destroyed, the elector may appear at the appropriate polling place on election day and vote in person after signing an affidavit, in the form prescribed by the secretary of state, swearing that the elector's ballot has not been received or was destroyed. ~~Before the ballot is given to the elector, the election judge shall write upon the back of the ballot the number of the ballot. The ballot may be cast out if it appears to the court to have been wrongfully or illegally voted.~~ The ballot must be handled as a provisional ballot under [section 36].

(3) If an elector votes by absentee ballot and dies between the time of balloting and election day, the deceased elector's ballot does not count."

Section 27. Section 13-13-205, MCA, is amended to read:

"13-13-205. When ballots to be available. (1) The election administrator shall ensure that ballots are printed and available for absentee voting at least ~~45~~ 30 days prior to an election for those elections held in compliance with 13-1-104(1) and 13-1-107(1).

(2) For elections held in compliance with 13-1-104(2) and (3) and 13-1-107(2), the election administrator shall ensure that ballots are printed and available for absentee voting at least 20 days prior to an election.

(3) If ballots are sent more than 30 days before an election, the election administrator shall include a notice that the voter information pamphlet, when required to be distributed, will be provided pursuant to 13-27-410."

Section 28. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot -- special provisions. (1) An elector may apply for an absentee ballot, using only a standardized form provided by rule by the secretary of state, by making a written request, which must include the applicant's birth date and must be signed by the applicant~~,~~. The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

(2) An elector in the United States service absent from the state and county in which the elector is registered may apply for an absentee ballot as follows:

(a) as provided in subsection (1);

(b) by using the federal postcard application signed by the applicant and made within the time period specified in 13-13-211; or

(c) if eligible, by using the federal write-in ballot as provided in 13-13-271(3).

(3) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the special absentee election board provided for in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under this subsection (3) must be received by the election administrator by noon on election day.

(4) An elector who has made a request for an absentee ballot by one of the methods provided in this section may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election administrator."

Section 29. Section 13-13-213, MCA, is amended to read:

"13-13-213. Transmission of application to election administrator -- delivery of ballot. (1) Except as provided in subsection ~~(2)~~ (3), the elector shall:

(a) ~~forward the application by~~ mail the application directly to the election administrator; ~~or~~

(b) deliver ~~it~~ the application in person to the election administrator~~.~~; or

(c) hand the application to a third party for delivery to the election administrator, if the person receiving the ballot application provides to the elector a receipt in a form designated by the secretary of state.

(2) The election administrator shall compare the signature on the application with the applicant's signature on the registration card. If convinced the individual making the application is the same as the one whose name appears on the registration card, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214.

~~(2)~~(3) In lieu of the requirement provided in subsection (1), an elector who requests an absentee ballot pursuant to 13-13-212(3) may return the application to the special absentee election board. Upon receipt of the application, the special absentee election board shall examine the signatures on the application and a copy of the voting registration card to be provided by the election administrator. If the special absentee election board believes that the applicant is the same person as the one whose name appears on the registration card, the special absentee election board shall provide a ballot to the elector."

Section 30. Section 13-13-214, MCA, is amended to read:

"13-13-214. Mailing ballot to elector. (1) (a) Except as provided in 13-13-213 and in subsection (1)(b) of this section, as soon as the official ballots are printed, the election administrator shall send by mail, postage prepaid, to each legally registered elector and provisionally registered elector from whom the election

administrator has received a valid absentee ballot application whatever official ballots are necessary. Ballots must be sent immediately ~~to electors submitting valid requests~~ after the official ballots are printed.

(b) The election administrator may deliver a ballot in person to an individual other than the elector if:

(i) the elector has designated the individual, either by a signed letter or by making the designation on the application form in a manner prescribed by the secretary of state;

(ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the ballot;

(iii) the election administrator believes that the individual receiving the ballot is the designated person; and

(iv) the designated person has not previously picked up ballots for four other electors.

(2) The election administrator shall enclose with the ballots:

(a) a secrecy envelope, free of any marks that would identify the voter; and

(b) a self-addressed envelope for the return of the ballots. An affirmation in the form prescribed by the secretary of state must be printed on the back of the envelope.

(3) The election administrator shall stamp the ballots provided to an absentee elector, as provided in 13-13-116, and remove the stubs from the ballots, attaching the stubs to the elector's absentee ballot application.

(4) Both the envelope in which the ballot is mailed to an elector in the United States service and the return envelope must have printed across the face the information and graphics and be of the color prescribed by the secretary of state consistent with the regulations established by the federal election commission, the U.S. postal service, or other federal agency.

(5) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way so that it can be identified as being used by any one elector.

(6) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must include use of the envelope for unvoted ballots. The instructions must include information concerning the type or types of writing instruments that may be used to mark the absentee ballot. The instructions must include information regarding use of the secrecy envelope and use of the return and verification envelope. The election administrator shall include a voter information pamphlet with the instructions if:

(a) a statewide ballot issue appears on the ballot mailed to the elector; and

(b) ~~the elector is out of the state or will be out of the state at the time of the election; and~~

~~(c)~~ the elector requests a voter information pamphlet.

(7) The return envelope must be self-addressed to the election administrator."

Section 31. Section 13-13-232, MCA, is amended to read:

"13-13-232. Delivery of ballots, secrecy envelopes, and return envelopes to election judges -- ballots to be rejected. (1) If ~~the~~ an absentee ballot is received prior to delivery of the official ballots to the election judges, the election administrator shall process it according to 13-13-241 and then deliver the unopened ~~return~~ secrecy envelope to the judges at the same time that the ballots are delivered. ~~The return envelopes must be opened and the ballots processed according to the procedures described in 13-13-241.~~

(2) If an absentee ~~ballots are~~ ballot is received after the official ballots are delivered to the election judges but prior to the close of the polls, the election administrator shall process it according to 13-13-241 and shall then immediately deliver the unopened ~~return envelopes~~ secrecy envelope to the judges. ~~The return envelopes must be opened and the ballots processed according to the procedures described in 13-13-241.~~

(3) If the election administrator receives an absentee ballot for which an application or request was not made or received as required by this part, the election administrator shall endorse upon the elector's envelope the date and exact time of receipt and the words "to be rejected". Absentee ballots endorsed in this manner must be ~~retained by the election administrator and placed with the proper records when they are returned to the election administrator~~ handled in the same manner as provided in 13-13-243."

Section 32. Section 13-13-241, MCA, is amended to read:

"13-13-241. Examination of absentee ballot return envelopes and affirmations ~~while polls open~~ -- deposit of absentee and unvoted ballots. (1) (a) ~~While the polls are open, the election judges may~~ As soon as an absentee ballot is received, an election administrator shall compare the signature of the elector on the absentee ballot request ~~and affirmation~~ with the signature on the absentee ballot return envelope. ~~If they find that the signatures correspond, that the affirmation is sufficient, and that the absentee elector is qualified, they may open the absentee ballot return envelope~~ Except as provided in subsection (2), after comparing the signatures, the election administrator or an election judge shall open the outer return envelope and determine whether the elector's voter identification information enclosed pursuant to 13-13-201 is sufficient pursuant to

rules adopted under [section 6]. If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall place the ballot in a secrecy envelope without examining the ballot.

(b) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and handled without being removed from their enclosure envelopes.

(c) A ballot cast by an elector who provided sufficient information must be handled as provided in subsection (3). A ballot cast by an elector whose voter information is insufficient or whose name does not appear on the precinct register must be handled as a provisional ballot under [section 36]. The election administrator shall notify the absentee elector by mail or by the most expedient method available under rules adopted by the secretary of state that the elector's identification information was insufficient and that the elector's ballot will be treated as a provisional ballot until the elector provides sufficient information, pursuant to rules adopted by the secretary of state. If the elector is notified by mail, the election administrator shall provide a self-addressed return envelope along with a description of the information necessary for the absentee elector to reclassify the provisional ballot as a regular ballot.

(2) If the ~~absentee ballot does not meet the requirements specified in subsection (1)~~ signature on the absentee ballot return envelope does not match the signature on the absentee ballot request form, ~~it~~ the absentee ballot must be rejected. ~~The~~ The election ~~judges~~ administrator, without opening the absentee ballot ~~return~~ return envelope, shall mark across it the reason for rejection ~~and a majority of the judges shall sign their initials~~. Unopened rejected absentee ballot return envelopes must be handled in the same manner as provided for rejected ballots in 13-13-243.

(3) After ~~opening the~~ receiving an absentee ballot ~~return~~ secrecy envelope ~~and~~, without opening the secrecy envelope, ~~they~~ the election judges shall on election day place the secrecy envelope in the proper ballot box. ~~In a primary election, the unvoted ballots must be deposited in the unvoted ballot box without being removed from their enclosure envelopes.~~

~~(4) After opening the absentee ballot return envelope and if the ballot has not been placed in the secrecy envelope, without unfolding the ballot or permitting it to be examined, the election judges shall place the ballot in the secrecy envelope and place the secrecy envelope in the proper ballot box.~~"

Section 33. Section 13-13-301, MCA, is amended to read:

"**13-13-301. Challenges on election day.** (1) An elector's right to vote may be challenged on election

day by any registered elector by orally stating to the election judges the grounds of the challenge.

(2) An individual offering to vote may be orally challenged by any elector of the county upon the following grounds:

(a) ~~that he is not the individual whose name appears on the register;~~

~~(b) that he does not reside at the residence listed unless the elector is voting under the provisions of 13-2-512 and 13-2-514;~~

~~(c)~~ that ~~he~~ the elector is of unsound mind, as determined by a court;

~~(d)~~(b) that ~~he~~ the elector has voted before in that election; or

~~(e)~~(c) that ~~he~~ the elector has been convicted of a felony and is serving a sentence in a penal institution.

(3) An elector challenged under this section may cast a provisional ballot, which must be handled as a provisional ballot under [section 36]."

Section 34. Section 13-14-112, MCA, is amended to read:

"13-14-112. Declarations for nomination -- fee. (1) Nonpartisan candidates shall file declarations for nomination as required by the primary election laws in a form prescribed by the secretary of state except as provided in 13-14-113. A candidate may not file for more than one office.

(2) Declarations may not indicate political affiliation. The candidate may not state in ~~his~~ the declaration any principles or measures ~~he~~ that the candidate advocates or any slogans.

(3) Each individual filing a declaration shall pay the fee prescribed by law for the position ~~he~~ that the individual seeks.

(4) Declarations ~~shall~~ must be filed in the office of the secretary of state or the appropriate election administrator as provided in 13-10-201. Time of filing ~~shall~~ must be the same as provided in 13-10-201."

Section 35. Section 13-14-113, MCA, is amended to read:

"13-14-113. Filing for offices without salary or fees. (1) Candidates for nonpartisan offices for which ~~no~~ a salary or fees are not paid shall file with the appropriate official a petition for nomination containing the same information and the oath of the candidate required for a declaration of nomination in a form prescribed by the secretary of state.

(2) The petition must contain the signatures of registered electors of the election district in which the

office will be on the ballot. The number of signatures must be equal to 5% of the total vote cast for the successful candidate for that office at the last general election, but ~~in no case~~ may ~~it~~ not be less than five signatures.

(3) The number of signatures necessary for a petition for nomination for an office not previously on the ballot or for which the election district boundaries have changed since the last general election ~~shall~~ must be determined by the secretary of state.

(4) Petitions for nomination ~~shall~~ must be filed at the same time provided in 13-10-201 for other candidates and offices.

(5) A candidate may not file for more than one office."

Section 36. Handling and counting provisional and challenged ballots. (1) To verify eligibility to vote, an elector who casts a provisional ballot in person shall provide information to the election administrator as listed below:

(a) present in person at the office of the election administrator by 5 p.m. on the day after the election a photo identification or other identifying document as described in 13-13-114(1)(a);

(b) send by facsimile or electronic mail by 5 p.m. on the day after the election a copy or scanned document that meets the identification requirements of 13-13-114(1)(a); or

(c) mail a copy or nonreturnable original document described in 13-13-114(1)(a) in a self-addressed return envelope provided by the election administrator. If the elector mails a document, the postmark on the envelope must be for the day of the election or the day following the election.

(2) The election administrator shall determine prior to an election whether an absentee voter has provided sufficient identification to allow a ballot to be counted. If the information is insufficient, the election administrator shall follow procedures described in 13-13-241 to allow an absentee elector who failed to provide proper identifying information in the outer return envelope to verify eligibility to vote. An absentee elector whose ballot is determined to be provisional has until 5 p.m. on the day after the election to provide valid identification information either in person, by facsimile, by electronic mail, or by mail postmarked on the day of the election or the day after the election.

(3) A provisional ballot must be counted if the election administrator verifies the elector's eligibility pursuant to rules adopted under [section 24]. However, a provisional ballot may not be counted if the election administrator cannot verify the elector's eligibility under the rules.

(4) The election administrator shall provide an elector who cast a provisional ballot but whose ballot was not counted with the reasons why the ballot was not counted.

(5) A provisional ballot cast by an elector whose voter information is verified before 5 p.m. on the day after the election must be removed from its provisional envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot.

Section 37. Section 13-15-111, MCA, is amended to read:

"**13-15-111. Write-in elections -- general election.** (1) An individual elected by having ~~his~~ the individual's name written in at the general election and receiving the largest number of votes shall:

(a) file with the secretary of state or election administrator, not later than 10 days after the official canvass, a written declaration indicating ~~his~~ the individual's acceptance of the position for which ~~he was~~ elected;

(b) comply with the provisions of 13-37-225; and

(c) pay the required filing fee or, if indigent, comply with 13-10-203.

(2) If an individual fails to ~~file the declaration as required under~~ comply with the requirements in subsection (1)~~(a)~~, ~~he~~ the individual may not assume the position for which ~~he was~~ elected."

Section 38. Section 13-15-401, MCA, is amended to read:

"**13-15-401. Governing body as board of county canvassers.** (1) The governing body of a county or consolidated local government is ex officio a board of county canvassers and shall meet as the board of county canvassers at the usual place of meeting of the governing body within 3 to 7 days after each election, at a time determined by the board, to canvass the returns.

(2) If one or more of the members of the governing body cannot attend the meeting, the member's place must be filled by one or more county officers chosen by the remaining members of the governing body so that the board of county canvassers' membership equals the membership of the governing body.

(3) The governing body of any political subdivision in the county that participated in the election may join with the governing body of the county or consolidated local government in canvassing the votes cast at the election.

(4) The election administrator is secretary of the board of county canvassers and shall keep minutes of the meeting of the board and file them in the official records of the administrator's office."

Section 39. Section 13-15-402, MCA, is amended to read:

"**13-15-402. Canvass of votes by board -- procedures if all returns not received by time of canvass.** (1) If all returns are in at the time of the meeting, the board of county canvassers shall immediately canvass the returns.

(2) If all returns are not received, the board shall postpone the canvass from day to day until all returns are received.

(3) If the returns from an election precinct have not been received by the election administrator within 3 to 7 days after an election, ~~he~~ the election administrator shall immediately advise the chief election judge.

(4) If it appears to the board that the polls were not open in a precinct, the board shall certify this to the election administrator. The election administrator shall enter the certification in the minutes and in the record required by 13-15-404."

Section 40. Section 13-19-313, MCA, is amended to read:

"**13-19-313. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after receipt of an elector's return/verification envelope, the election administrator shall give notice to the elector, either by telephone or by first-class mail, if the election administrator:

(a) is unable to verify the elector's signature under 13-19-310; or

(b) has discovered a procedural mistake made by the elector that would invalidate the elector's ballot under 13-19-311.

(2) The election administrator shall inform the elector that the elector may appear in person at the election administrator's office prior to 8 p.m. on election day and verify the signature or correct the mistake.

(3) Any elector appearing pursuant to subsection (2) must be permitted to:

(a) verify the elector's signature, after proof of identification, by affirming that the signature is in fact the elector's or by completing a new registration card containing the elector's current signature;

(b) correct any minor mistake if the correction would render the ballot valid; or

(c) if necessary, request and receive a replacement ballot and vote it at that time.

(4) If a mail ballot is returned, the election administrator shall investigate the reason for the return and mail a confirmation notice ~~provided for in 13-2-207. However, the~~ The notice must be sent by forwardable,

first-class mail with a postage-paid, return-addressed notice. If the confirmation notice is returned to the election administrator, the elector must be placed on an inactive list until that elector becomes a qualified elector."

Section 41. Section 13-22-107, MCA, is amended to read:

"**13-22-107. Funding.** (1) ~~Public~~ Except for compensation for time spent by employees of the secretary of state and the superintendent of public instruction, public money may not be used to support or fund the youth voting program established in this chapter.

(2) A nonprofit corporation may be formed subject to the provisions of Title 35, chapter 2, to solicit donations from private sources. Money solicited under this subsection must be used only for the youth voting program."

Section 42. Section 13-27-410, MCA, is amended to read:

"**13-27-410. Printing and distribution of voter information pamphlet.** (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 110 days before the election at which they will be submitted. The requisition must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to each voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 45 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county who is on the active voter list, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing label may include an address line that addresses the voter or the current resident. The mailing must take place

no later than ~~2 weeks~~ 30 days before the election.

(5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues."

Section 43. Section 13-37-250, MCA, is amended to read:

"13-37-250. Voluntary spending limits. (1) (a) The following statement may be used in printed matter and in broadcast advertisements and may appear in the voter information pamphlet prepared by the secretary of state: "According to the Office of the Commissioner of Political Practices, ... is in compliance with the voluntary expenditure limits established under Montana law."

(b) The treasurer of each political committee, as defined in 13-1-101~~(18)(b)~~(19)(b), who files a certification on a ballot issue pursuant to 13-37-201 may also file with the commissioner a sworn statement that the committee will not exceed the voluntary expenditure limits of this section. If a sworn statement is made, it must be filed with the commissioner within 30 days of the certification of the political committee.

(c) A political committee that has not filed a sworn statement with the commissioner may not distribute any printed matter or pay for any broadcast claiming to be in compliance with the voluntary expenditure limits of this section.

(d) A political committee may not use evidence of compliance with the voluntary expenditure limits of this section to imply to the public that the committee has received endorsement or approval by the state of Montana.

(2) For the purposes of this section, the expenditures made by a political committee consist of the aggregate total of the following during the calendar year:

(a) all committee loans or expenditures made by check or cash; and

(b) the dollar value of all in-kind contributions made or received by the committee.

(3) In order to be identified as a political committee in compliance with the voluntary expenditure limits of this section, the committee's expenditures, as described in subsection (2), may not exceed $150,000.

(4) A political committee that files with the commissioner a sworn statement to abide by the voluntary expenditure limits of this section but that exceeds those limits shall pay a fine of $5,000 to the commissioner. This money must be deposited in a separate fund to be used to support the enforcement programs of the office of the commissioner."

Section 44. Repealer. Sections 13-2-114, 13-2-202, 13-2-203, 13-2-219, 13-2-403, 13-2-404, 13-2-515, 13-2-603, 13-13-304, 13-13-305, 13-13-306, 13-13-307, 13-13-309, 13-13-310, and 13-13-311, MCA, are repealed.

Section 45. Codification instruction. (1) [Sections 4 through 7] are intended to be codified as an integral part of Title 13, chapter 2, part 1, and the provisions of Title 13, chapter 2, part 1, apply to [sections 4 through 7].

(2) [Sections 22 through 24] are intended to be codified as an integral part of Title 13, chapter 13, and the provisions of Title 13, chapter 13, apply to [sections 22 through 24].

(3) [Section 36] is intended to be codified as an integral part of Title 13, chapter 15, part 1, and the provisions of Title 13, chapter 15, part 1, apply to [section 36].

Section 46. Effective date. [This act] is effective January 1, 2004.

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